

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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2025:PHHC:047563



CR-2076-2024 (O&M)
Date of decision: 07.04.2025

SHRI BHAGWAN

..Petitioner

Versus

SANJAY KUMAR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Akun Sheemar, Advocate
for the petitioner.

Mr. Jatin Verma, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is aggrieved of trial Court's order passed on 28.02.2024 while refusing him permission to get the pronote and receipt proved from scribe. In fact, Sh. Gaurav Sharma, scribe of the pronote and receipt has been examined by the plaintiff, however, his counsel failed to put the pronote and the receipt to the witness. Hence, he filed application for recall, which has been dismissed.

2. The provision for recall of the witness is only to rectify such errors.

3. The trial Court has wrongly dismissed the application. It is the plaintiff, who has filed the suit for recovery. Moreover, the Court has failed to distinguish between exhibiting a document and the proof of its genuinity, which are distinct.

4. Keeping in view the aforesaid facts, the petitioner is permitted to re-examine Sh. Gaurav Sharma, subject to payment of cost of Rs.500/- to the respondent.



5. With these observations, the present petition is disposed of.
- 6 All the pending miscellaneous applications, if any, are also disposed of.

April 07th, 2025

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*