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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision:29.01.2025

M/S RAJ SEED COMPANY

...PETITIONER

VS.

M/S SHAMBU RAM VIJAY KUMAR

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Simranjot Singh, Advocate &
Mr. Lupil Gupta, Advocate
for the petitioner.

SUVIR SEHGAL, J.

CM-20204-CII-2024

1. Application is allowed as prayed for.
2. Deposition of Tarsem Kumar (PW-2) is taken on record and is re-numbered as Annexure P-5.

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3. By way of instant revision petition filed under Article 227 of the Constitution of India, petitioner/defendant has approached this Court for setting aside order dated 31.01.2024, Annexure P-2, whereby application for cancellation of Ex.P-7 to P-30 has been dismissed.



4. Counsel for the petitioner/defendant has contended that the Trial Court has failed to appreciate that the examination-in-chief of Tarsem Kumar (PW-2) was recorded twice and he tendered documents, Ex.P-7 to Ex.P-30, during his second examination in chief, without permission of the Court.

5. I have heard counsel for the petitioner and considered his submission.

6. Perusal of the paper-book shows that the respondent/plaintiff, who is a Commission Agent, filed a suit for recovery of Rs.10,31,773/-, which is being contested by the petitioner. During the course of recording of his examination, respondent/plaintiff produced Tarsem Kumar (PW-2), who was partly examined-in-chief on 19.02.2020 and his remaining examination was deferred, though inadvertently, in the order passed on 19.02.2020, Annexure P-3, the Trial Court recorded that he has been examined-in-chief and his cross-examination has been deferred. Tarsem Kumar appeared before the Trial Court again, as is apparent from order dated 21.07.2023, Annexure P-4. During his examination on 21.07.2023, he produced documents, which were duly exhibited as Ex.P-7 to P-30. Counsel for the petitioner could not point out that at the time of tendering these documents, any objection was raised. Petitioner cannot be permitted to take advantage of an accidental slip in the dictation of the interim order, which has been corrected by the Trial Court in the subsequent order. The argument of counsel for the petitioner that the witness has been examined-in-chief twice



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is not based on the actual position. There is no irregularity or illegality on the impugned order.

7. Finding no merit in the petition, it is dismissed with no order as to costs.

29.01.2025

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No