
(2001) 01 P&H CK 0111
In the Punjab And Haryana At Chandigarh
Case No : C.R. No. 58 of 2001

Kishore Chand

APPELLANT

Vs

Life Insurance Corpn. of India

RESPONDENT

Date of Decision : 08-01-2001

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 18 Rule 3

Citation : (2001) 2 RCR(Civil) 200

Hon'ble Judges : Bakhshish Kaur, J

Bench : Single Bench

Advocate : Mr. B.S. Jaswal, for the Appellant;

Judgement

Bakhshish Kaur. J.—The petitioner's grievance against the impugned order is that his evidence has been closed by the trial court and his prayer for examining the remaining evidence has not been allowed.

2. Shri B.S. Jaswal, learned counsel for the petitioner has stated at the bar that the petitioner has already led evidence. He will not examine any other witness but for coming to the witness box as his own witness.

3. Concededly, the petitioner has not appeared as his own witness so far. In fact, the requirement of the CPC is that firstly the party is required to step into the witness box as his own witness before examining his evidence. On account of the lapse on the part of the petitioner, I am of the view that he should not be allowed to suffer since no other witness is required to be examined and only the petitioner is to step into the witness box as his own witness. Technicalities of law should not be allowed to hamper the courts in the administration of justice.

4. In the matter of recording evidence, as a word of caution, the court must follow the procedure laid down in Order 18 Rule 3-A CPC. It reads as under ;-

"3-A. Party to appear before other witnesses:-

Where a party himself wishes to appear as a witness, he shall so appear before

any other witness on his behalf has been examined, unless the court, for reasons to be recorded, permits him to appear as his own witness at a later stage."

By examining a party first, lot of evidence is cut short and time of the court is saved.

5. Therefore, this revision petition can be disposed without issuing notice to the other side. This revision petition is, therefore, allowed, after setting aside the impugned order. The trial Court is directed to allow the petitioner to be examined as his own witness subject to payment of costs of Rs. 1,000/-.

Petitioner through his counsel is directed to appear before the trial court on 30.1.2001.

Copy be given dasti on payment of usual charges.

6. Revision allowed.