

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

[261]

**Civil Revision No.1798 of 2015 (O&M)
Date of Decision: 16.11.2015.**

Ajay Chaudhary

...Petitioner

Versus

Shiv Raj Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. B.S. Rana, Senior Advocate with
Mr. Sunny Dhull, Advocate,
for the petitioner.

Mr. Rajesh Sethi, Advocate for
Mr. Arun Biriwal, Advocate,
for respondent No.2.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

KULDIP SINGH, J.(ORAL)

Challenged in the present revision is order dated 14.01.2015, passed by the learned Additional Civil Judge, Senior Division, Sonapat, wherein an application of the plaintiff for additional evidence to produce compact disc containing audio conversation between the plaintiff and defendant No.1-Shiv Raj Singh was dismissed.

I have heard learned counsel for the parties and have also carefully gone through the file.

Learned counsel has disclosed that this audio

conversation was recorded somewhere in April, 2014. The present application was filed on 02.12.2014. In the application, the name of the person who recorded the conversation is not mentioned. Assuming that this audio disc is to be proved, it can only be proved by the person who recorded it. The mere fact that the plaintiff is in possession of some audio disc, the said vague application to produce the same cannot be allowed, without disclosing all the particulars and the manner in which it was recorded and by whom it was recorded. Then it is also not disclosed as to how the person who recorded the same handed over the same to the plaintiff, after about eight months. Fishy type of additional evidence cannot be allowed.

The Lower Court has observed that the plaintiff had the knowledge of the conversation before the cross-examination of defendants No.1 to 3. This conversation was never put to said witnesses. Therefore, plaintiff cannot be allowed to take advantage to prove the same without putting it to the concerned witnesses so as to give them an opportunity to rebut the same. Therefore, there is no illegality in the impugned order.

Resultantly, the present revision stands dismissed.

November 16, 2015*Ankur***(KULDIP SINGH)
JUDGE**