

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

CR No. 3714 of 2014 (O&M)
Date of decision: March 26, 2015

Ajmer Singh

...Petitioner

Versus

Munish Singhi and another

...Respondent

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers 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?**

Present: Mr. Prateek Gupta, Advocate,
for the petitioner.

Mr. Rakesh Kumar Garg, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. This is a frivolous revision petition pointing out to some defects in the manner the affidavit has been drawn. The petitioner has a grievance that the plaintiff has stated that the averments made were based on knowledge and belief when the requirement under law under Order 19 Rule 3 CPC is that the plaintiff must state the matter which are within his knowledge and the matter which are within his belief. Although it is most appropriate that the parties state in distinct paragraphs what is stated as per knowledge and what is stated to belief, if such jurat is not, however, properly given, the parties will not shrink from confronting the person who has sworn the affidavit to pointed attention of what is within knowledge and what is matter of belief. The rule of evidence is that hearsay will not be accepted except in the circumstances set down under Section 32 of the

Evidence Act. This provision itself is to ensure that there is clear information available at the trial of what the person has personal knowledge and what are the matter of mere hearsay. I will allow for appropriate cross-examination of the party who has given the affidavit and the petitioner may elicit the matter which are favourable to him. I am loathe to interfere in the matter of procedure by invoking the jurisdiction under Article 227 of the Constitution of India.

2. Dismissed.

March 26, 2015
prem

(K.KANNAN)
JUDGE