

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.485 of 2015

Date of decision: 17.12.2015

Maninder Singh and others

.....Petitioners

versus

Raj Karan and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Vivek Goel, Advocate for the petitioners
Mr.V.B. Aggarwal, Advocate for the respondents

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?*

Kuldeep Singh, J. (Oral)

Impugned in the present revision is the order dated 8.1.2015 (Annexure P1), passed by the learned Civil Judge, Junior Division, Kurukshetra, vide which an application filed by the plaintiff for tendering into evidence the copy of the statement of Ram Parshad father of the defendants made in another case was dismissed with costs.

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

It comes out that the case was at the arguments stage when the application was filed. The lower Court is of the view that the statement made by Ram Parshad in another case does not have any relevance in the present case. It was further held that plaintiffs could examine said Ram Parsad as he is alive and capable of giving evidence.

Learned counsel for the petitioners has contended that in this case defendants are sons of Ram Parshad. The previous suit was filed by Ram Parshad himself against the present plaintiffs. Therefore it cannot be said that the statement of Ram Parshad making certain admissions is not

relevant in the present case.

On the other hand learned counsel for the respondents has argued that Ram Parshad is alive and the plaintiffs could examine him. If the statement is allowed to be tendered, the defendants will be deprived of their right of cross examination. Admittedly, the statement of Ram Parshad was made in another suit against the present plaintiffs after the plaintiffs had closed their evidence in the present case. Therefore, at the time of evidence of the plaintiffs, this statement was not available. So far as the question of relevancy and the rights of defendants are concerned these are left to be determined by the lower Court. The value of such statement is also to be appreciated by the lower Court after considering the legal position in the matter. However, at this stage the evidence can not be shut by pre-judging that it is irrelevant or will not be admissible.

As such the impugned order is set aside and the revision is allowed. The plaintiff is allowed to tender into evidence the certified copy of statement of Ram Prashad recorded in another case. However, the objection regarding the admissibility and value thereof shall be kept open and shall be decided along with the main case. Needless to say that the defendants shall also get the opportunity to rebut the said additional evidence.

17.12.2015
gk

(Kuldip Singh)
Judge