

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

CR No.5415 of 2015 (O&M)

Date of decision : 17.09.2015

Smt. Krishna Vashisht alias Krishna Rachan

...Petitioner

Versus

Surinder Mohan Sharma

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Vijay Kumar Rana, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

CM No.19356-CII of 2015

Prayer in the application is for placing on record true typed copies of Annexures P-8 to P-11.

For the reasons stated in the application, which is supported by an affidavit, application is allowed.

Annexures P-8 to P-11 are taken on record, subject to all just exceptions.

Main case

Challenge in the present petition is to the impugned order 17.07.2015, whereby application filed by the plaintiff in respect of striking off the statement of account regarding account bearing No.1472 produced by the Senior Manager, Oriental Bank of Commerce, Jalandhar Road, Hoshiarpur, has been dismissed.

Mr. Vijay Kumar Rana, learned counsel appearing on behalf of

petitioner submits that as per the information obtained under RTI Act, the record of statement of account w.e.f. 10.10.1995 to 31.08.2008 in respect of aforementioned account had already been obtained which proved, it had been destroyed, but for the reasons unexplained, the record has been produced through the testimony of the aforementioned witness and, therefore, application in this regard has erroneously been dismissed.

I have heard learned counsel for the petitioner-plaintiff.

On perusal of the impugned order, it is borne out that legal notice dated 30.10.2009 was sent by Arun Kumar through Anoop Sharma, Advocate being attorney of Surinder Kumar-defendant and in response to the aforementioned legal notice, bank replied that they would not destroy the record regarding the aforementioned account & period. In view of the fact, bank had already replied way back in 2009. Bank statement produced in respect of aforementioned account through testimony of the aforementioned witness on 20.02.2014 cannot be said to be manufactured and forged document. The petitioner-plaintiff would be at liberty to make submission in respect of the aforementioned record at the time of the final arguments.

The petitioner would also have an occasion to cross-examine by confronting witness with regard to the information obtained under RTI Act.

I do not find any illegality and perversity in the impugned order.

Impugned order cannot be said to have been passed without jurisdiction.

Revision petition is accordingly dismissed.

17.09.2015

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**(AMIT RAWAL)
JUDGE**