

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

CR-232-2016

Date of Decision:02.03.2016

TEJU SINGH & ANR

...Petitioners

VERSUS

PARKASH KAUR & ORS

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Nimanyu Gautam, Advocate
for the petitioners.

Respondent No.1 is stated to have died.

Respondent No.2 is residing abroad.

Mr. R.S. Madan, Advocate
for respondents No.3 and 4.

DARSHAN SINGH J. (ORAL)

Learned counsel for the parties stated that there is no need to summon respondents No.1 and 2 as the application, on the basis of which the impugned order was passed, was moved by respondents No.3 and 4.

This revision petition has been preferred against the order dated 07.12.2015 passed by Civil Judge (Junior Division), NRI cases, Jalandhar vide which respondents No.3 and 4 have been allowed to produce in further evidence, the copy of ejectment petition, the statement of Sukhdev Kumari, judgment passed by the learned Rent Controller and the judgment of the learned Appellate Authority under Rent Act.

The petitioners have challenged the production of these documents primarily on the ground that the statement was not

admissible in evidence as Sukhdev Kumari, plaintiff was not confronted with the said statement as required under Section 145 of the Indian Evidence Act. Learned counsel for the petitioners has relied upon the ratio of law laid down by the Hon'ble Apex Court in case ***Sangramsinh P. Gaekwad versus Shantadevi P. Gaekwad (Dead) through LRs, 2005(1) RCR (Civil) 561.***

It is not disputed that the copy of ejectment petition is not per-se admissible. Similarly, the statement of a witness recorded in earlier proceedings cannot be taken into consideration unless the maker thereof is confronted with that statement in accordance with provisions of Section 145 of Evidence Act.

However, the judgments pronounced by the learned Rent Controller and the Appellate Authority are per-se admissible documents.

So, the present revision petition is disposed of with the modification in the impugned order dated 07.12.2015. The respondents No.3 and 4 will be permitted to produce in their further evidence, the certified copies of the judgments of the Rent Controller and the Appellate Authority. Qua the remaining documents, the order stands set aside.

Learned counsel for the respondents states that they reserve their right to move the appropriate application for recalling petitioner Sukhdev Kumari to confront her with the statement made by her before the Rent Controller. They can do so, if permissible under law.

(DARSHAN SINGH)
JUDGE

March 02, 2016
rajneesh