

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.4837 of 2015

Date of Decision.12.01.2016

Food Corporation of India

.....Petitioner

Vs.

Harmesh Kumar

.....Respondent

Present: Mr. Gurinderjit Singh, Advocate
for the petitioner.

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?

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K. KANNAN J. (ORAL)

1. In a suit for recovery by FCI against a contractor who committed a breach in contract, the FCI wanted to give evidence of the additional expenses incurred through a fresh contract entered into with another person. The affidavit of the other person who had entered into the subsequent contract was filed in chief examination. However, the party was not willing to support his own version contained in the affidavit which he had given. The application was filed by the FCI to summon the Notary Public who had attested the affidavit to give evidence that it was only sworn to by the person in whose name the affidavit had been prepared.

2. In my view, no purpose will be served for proving the affidavit, for even if such a proof is tendered, it will be only taken as a chief-examination made available. If the party is unwilling to commit himself to the statement and available in court, the consequence in such

an event would be to eschew the evidence brought through the affidavit as chief examination. No purpose will be served by allowing for proof of the affidavit without making the witness available for cross-examination as well.

3. Since the procedure adopted would secure no particular purpose in the course of trial, I will not make any intervention in the order already passed by the trial Court. The revision petition is dismissed.

(K. KANNAN)
JUDGE

January 12, 2016
Pankaj*