

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

CR No.7694 of 2016
Date of decision : 06.12.2016

Jaswinder Kaur and others

...Petitioners

Versus

Avtar Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Ram Kumar Chauhan, Advocate for the petitioners.

AMIT RAWAL, J. (Oral)

The petitioners-defendants are aggrieved of the impugned order, whereby in the cross-examination of the defendants, certain documents Mark-1 to Mark-25, have been confronted.

Mr. Ram Kumar Chauhan, learned counsel appearing on behalf of petitioners-defendants submits that in suit for recovery of ₹5,00,000/-, the documents, aforementioned, cannot be confronted as there is no reliance in the plaint. At the best, the documents could have been brought on record at the time when the plaintiff was leading the evidence in affirmative, thus, order under challenge is not sustainable in the eyes of law.

I have heard learned counsel for the petitioners-defendants and appraised the paper book and of the view that in view of provisions of Sections 147 and 148 of the Indian Evidence Act, much less, Section 146,

the parties cannot be precluded from confronting the documents by summoning the record, though they have been marked. It is not necessary that if the documents are not being pleaded, the same cannot be confronted in the cross-examination. Similar view has been expressed by the trial Court confirming aforementioned provisions of law.

I do not intend to differ with the same.

Order cannot be said to be without jurisdiction.

Accordingly, present revision petition is dismissed.

06.12.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No