

216.

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

Civil Revision No.8800 of 2014 (O&M)

Date of decision:17.03.2016

Subhash Chander

... Petitioner

versus

Surender and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. C.B. Goel, Advocate,
for the petitioner.

Ms. Meenakshi, Advocate,
for Mr. R.S. Mamli, Advocate,
for respondent No.1.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. An objection given by the decree holder's brother that the payments recorded by court ought not to be acted upon for discharging decree since the brother had been under influence of liquor and he was making record of receipts which was against the rules. The decree holder himself did not come to court to give evidence that the amount stated as received had not indeed been received. The court acted on the statement of the decree holder's brother.

2. I set aside the order as untenable, for, the best evidence that is possible for disowning the receipt recorded by the court ought to have been only through the party, who disowned it. I have seen that the court has relied on the statement to the decree holder in court that the decree has been fully satisfied. If he had not really received any amount and had given a wrong statement in court, it could be recalled only if he himself stepped into court in witness-stand and denied receipt of any amount. The court below ought to have drawn an adverse inference of the non-examination of the decree holder. The order passed by the court accepting the plea on behalf of the decree holder is erroneous and it is set aside.

3. Revision petition is allowed.

(K.KANNAN)
JUDGE

17.03.2016
sanjeev