

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

CR No.5102 of 2017
Date of decision : 16.08.2017

Sonia

...Petitioner

Versus

Amar Nath (deceased) through LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjiv Kumar Aggarwal, Advocate for the petitioner.

Mr. Shrey Goel, Advocate for respondent Nos.1-11.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner has filed the present revision petition under Article 227 of the Constitution of India against the order dated 19.07.2017.

The plaintiffs had filed an application for permission to lead additional evidence. It was pleaded that the plaintiffs had produced the statement of Randhir Singh, Bir Bhan, Amarnath and Singru Ram recorded in the case titled as Ram Kumar Vs. Amarnath. However, inadvertently, only cross-examination of the above referred witnesses was produced and the affidavits given by these witnesses in support of examination-in-chief were not produced.

The learned Civil Judge (Junior Division), Kaithal dismissed the application after recording as under:-

“3. I have heard the arguments advanced by ld. Counsel for both the parties and perused and case file very carefully and this court is of the view that the plaintiff has not prima facie proved that he has taken the due care and even then he failed to tender the statements of Randhir Singh, Bir Bhan, Amarnath and Singru Ram. Even if it is taken as gospel truth that the copying agency has not given the entire copy of chief examination and cross-examination, however at the time of tendering the documents, there should be due vigilance on the part of plaintiff. The plaintiff has failed to show such vigilance, hence present application stand dismissed.”

The order dated 19.07.2017 has been challenged before me. There is no dispute that the plaintiffs did produce incomplete statements given by the aforesaid witnesses at the time of leading evidence. It was on account of inadvertence that only cross-examination of these witnesses was produced.

Statement of witness is incomplete unless the examination-in-chief is also produced. The production of examination-in-chief would help the Court in adjudicating the case properly. Considering the facts and circumstances of the case, impugned order dated 19.07.2017 is set aside.

Revision petition is allowed.

Plaintiff is permitted to produce the complete statements of the aforesaid witnesses in additional evidence.

16.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No