

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

CR-6058 of 2017

Date of Decision:07.09.2017

Surjit Kaur and another

.....Petitioners

Versus

Harmanpreet Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.D.K.Bhatti, Advocate,
for the petitioners.

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the impugned order dated 11.08.2017 passed by the learned trial court, whereby application moved by defendant No.2 under Section 65 of the Indian Evidence Act, seeking permission to lead secondary evidence regarding photocopy of affidavit dated 26.11.2010 sworn by plaintiff-petitioner No.1, was allowed, plaintiffs-petitioners have approached this Court by way of instant revision petition, filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioners.

It is a matter of record that the affidavit dated 26.11.2010 sworn by plaintiff-petitioner No.1 was executed before the Executive Magistrate, Feteahgarh Sahib. With a view to prove the loss of original affidavit, defendant No.2 has placed on record copy of complaint dated

20.05.2017 moved at Suvidha Centre Police. In this view of the matter, the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

The contention raised by learned counsel for the petitioners on the basis of application (Annexure P-2) has been duly considered by this Court but the same has been found wholly misplaced, for the reasons that once the learned trial court has duly considered each and every relevant aspect of the matter before passing the impugned order, which are based on sound reasons, no fault can be found with the impugned order and the same deserves to be upheld. It is so said because had the affidavit dated 26.11.2010 not been sworn by plaintiff No.1 before the Executive Magistrate, Fatehgarh Sahib, position might have been different. Having said that, this Court feels no hesitation to conclude that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order passed by the learned trial court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

September 07, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No