

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No. 6281 of 2017

Date of Decision: September 15, 2017

Shruti Choudhry

..Petitioner

Versus

Ranbir Singh Mahendra and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Naveen Garg, Advocate
for the petitioner.

REKHA MITTAL, J.(oral)

The present petition directs challenge against order dated 28.08.2017 (Annexure P-1) passed by the Civil Judge (Jr. Division), Bhiwani whereby application filed by defendant no.6 to lead secondary evidence to prove TA/DA Bill of Bhim Singh ASI/PSO, pertaining to the period 13.05.2004 to 12.06.2004 by summoning Shri Balbir Singh the then DSP, Bhiwani, has been allowed with the observations recorded in the concluding para of the impugned order.

The precise grievance of the petitioner is that the petitioner filed reply to the application for secondary evidence (Annexure P-6) specifically stating that the application may be allowed but subject to the objections raised in para B to D of the reply. It is further submitted that the

trial Court allowed the application without reserving right of the petitioner to decide objections with regard to admissibility of evidence qua mode of proof and being beyond pleadings as well as loss of original document. The Court did not make any observations with regard to objections regarding admissibility, mode of proof and evidence being beyond pleadings. Under the circumstances, without examining the correctness or otherwise of the impugned order, the present petition stands disposed of with the rider that any observations made by the trial Court while allowing plea of defendant no.6 to prove certified copy of TA/DA bill of Bhim Singh by way of secondary evidence would not cause prejudice to right of the petitioner to raise the issue qua loss of original document(s), admissibility of evidence both qua mode of proof and being beyond pleadings at the time of final disposal of the suit. In view of the above, the present petition stands disposed of.

Before parting with this order, it is clarified that the petition has been disposed of without notice to respondent/defendant no. 6 in order to save her from unnecessary expense and inconvenience. However, the said respondent would be at liberty to file an appropriate application in case she has any grievance to express.

(REKHA MITTAL)
JUDGE

September 15, 2017

Sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No