

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

**Civil Revision no.5447 of 2015 (O&M)
Date of Decision: 22.10.2018**

Jaibuni

...Petitioner

Vs.

Jummey Khan and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Manoj K. Tanwar, Advocate,
for the petitioner.

Mr. S.K. Panwar, Advocate,
for respondent no.1.

Amol Rattan Singh, J (Oral)

By this petition, the petitioner, who is the plaintiff in the suit out of which this petition arises, challenges the order of the learned appellate court (District Judge, Mewat), by which the application filed by respondent no.1 (defendant) under Order 41 Rule 27, seeking to lead additional evidence at the appellate stage, has been allowed to the extent that the voter identity card of the Late Chahati, i.e. the mother of the petitioner and respondent no.1, has been admitted as evidence, though the prayer for leading other additional evidence has been declined.

Learned counsel for the petitioner submits that the voter identity card having been very much in existence throughout the stage of the trial, at the stage of appeal it could not have been allowed to be led in

evidence, the respondent-defendant not having exercised due diligence prior thereto.

Learned counsel for respondent no.1 on the other hand submits that the voter identity card being a public document, the learned appellate court did not err in allowing the application to that extent.

Having considered the arguments, though learned counsel for the petitioner is correct that due diligence should have been exercised by the respondent-defendant, however, as has been correctly stated by the learned appellate court vide the impugned order, the document itself is a public document, being admissible in evidence *per se*, without examining the officer/official who had issued it and therefore it could be taken on record. Hence, I see no reason to interfere to that extent at least with the impugned order.

However, the contention of the learned counsel for the petitioner is that, as a matter of fact, the mother of the parties, i.e. Smt. Chahati, whose voter identity card has been taken on record as evidence by the learned appellate court, had actually died in the year 1993, with the voter identity card having been issued in 1994, though she had undoubtedly applied for it in the year 1992.

Consequently, this petition is disposed of with a direction that since the voter identity card has been allowed to be taken on record as evidence by the appellate court, with the contention of the appellant-defendant before that Court stated to be that Chahati was alive at the time when the card was issued, the petitioner before this Court, i.e. the plaintiff in the suit would be given an opportunity to lead evidence with regard to

whether Chahati was alive or not on the date of issuance of the said voter identity card, with the respondent herein naturally having the liberty of cross-examination and rebuttal to any new evidence led on that score by the petitioner herein.

22.10.2018
vcgarg/dinesh

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : No