

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

**Civil Revision No.6447 of 2015 (O&M)
Date of Order:23.03.2018**

K.K.Traders

..Petitioner

Versus

The New India Assurance company Ltd. and Ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S.Khaira, Advocate,
for the petitioner.

Mr. Pardeep Goyal, Advocate,
for respondent nos.1 and 2..

Mr. Nitin Kumar, Advocate,
for respondent nos.3 and 4.

ANIL KSHETARPAL, J(Oral)

Plaintiff-petitioner is in revision petition against the order passed by the learned trial court dismissing application under Section 65 of the Indian Evidence Act for permission to lead secondary evidence so as to prove a communication dated 18.09.2007 sent by Smt. Romila Sharma, Chief Manager of the State Bank of India to the New India Assurance Company Limited.

The court while dismissing the application has observed that the aforesaid communication can be brought on record by summoning the concerned officer from the concerned department of New India Assurance Company Limited.

Learned counsel for the petitioner has pointed out that the New India Assurance Company Limited has already denied the existence of this

document, therefore, he may be permitted to summon the concerned officials from the bank i.e. State Bank of India, defendants no.3 and 4, to prove the aforesaid communication.

On the other hand, learned counsel for the respondents vehemently opposed the prayer made and have submitted that it is for the plaintiff to prove his case.

It is not in dispute that the plaintiff is leading his evidence. Plaintiff has to decide as to how the aforesaid communication is to be proved. If the plaintiff wants that the concerned officials of the bank be summoned to prove the aforesaid communication, the court or the respondents cannot put restriction thereon.

Plaintiff-petitioner shall be at liberty to summon the concerned officials from the bank to prove the aforesaid communication.

In view thereof, the revision petition is disposed of.

March 23, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No