

In the High Court of Punjab and Haryana at Chandigarh

251

CR No. 6076 of 2018

Date of decision: 30.8.2019

JASVIR KAUR & ANR

.....petitioners

Versus

PARGAT SINGH & ANR

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms.Divya Jerath, Advocate,
for the petitioners.

Mr.Tribhuwan Singla, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(oral)

Petitioners have assailed the order dated 2.8.2018 passed by the District Judge (Family Court), Barnala vide which permission to lead additional evidence to recall inquiry report and the inquiry file conducted by Senior Superintendent of Police, Mansa was dismissed.

The Court, while declining the prayer, has observed that the Court can take judicial notice of such report at the time of consideration of the case on merits. The grievance of the petitioners is that till the execution of such complaint is

established on record, the Court cannot take judicial notice of it. The factum of filing of complaint and existence thereof has to be proved as per police record for which evidence is required.

It is a settled principle of law that even if something remains obscure can be filled by way of additional evidence if the same is directed towards just decision of the case.

Keeping in view the controversy pending between the parties, the inquiry report (if any) conducted by SSP, Mansa would be necessary to be produced before the Court by means of additional evidence. Such production, however, would be subject to the ultimate stand taken by the police on the complaint made by the petitioners (if any). To that extent, the impugned order is modified and the petitioners are permitted to lead additional evidence in the context of inquiry report (if any) conducted by SSP, Mansa. In the event of leading the aforesaid additional evidence, the respondents would be entitled to rebut the report in accordance with law.

Petition stands disposed of accordingly.

August 30, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No