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

**Civil Revision No.4249 of 2019 (O&M)
Date of Decision: 15.07.2019**

DR. KANCHAN GUPTA

.....Petitioner

Vs

GEETA GUPTA AND ANOTHER

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 16.05.2019 passed by the Civil Judge (Jr. Divn.) Ferozepur, vide which the application filed by the petitioner for summoning the concerned official/expert of FSL, Chandigarh to take voice sample of respondent No.2/defendant No.2 for comparison with voice recorded in a CD was dismissed.

[2]. Learned counsel for the petitioner stated that voice recording was put to defendant No.2 when he appeared as a witness in the case. The witness has denied the voice recorded in CD being not of defendant No.2.

[3]. I have considered the submissions made by learned counsel for the petitioner.

[4]. Evidently, the CD in question was neither pleaded by

the plaintiff in the plaint, nor in the replication. Even in the statement of the plaintiff while appearing as her own witness, the factum of CD was not pleaded. No particulars of the alleged CD in terms of date, month and year have come on record. Case law i.e. **Zile Singh and others vs. Deva Singh, 2019(1) R.C.R. (Civil) 529** does not apply to the facts of present case as the present case is not of Tenancy where payment of lease money or otherwise can be matter of evidence.

[5]. Both the parties have already concluded their evidence. There is no such issue on which plaintiff can lead evidence in rebuttal. Plaintiff has not made any foundation in the pleadings in terms of Order 6 Rules 2 & 4 CPC. The evidence beyond the pleadings cannot be permitted to be led. The factum of alleged CD has not been established in terms of material particulars. Neither it was pleaded in the pleadings, nor was relied upon in the sworn testimony of the plaintiff. At this stage, interference by this Court in the exercise of extra-ordinary supervisory jurisdiction does not arise.

[6]. The revision petition is accordingly dismissed.

July 15, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No