

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR- 7683-2019

Date of Decision : 02.12.2019

Satish Goyal.....Petitioner

VERSUS

Vijay Kumar Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. Johan Kumar, Advocate
for the petitioner.

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MANJARI NEHRU KAUL, J. (Oral)

The petitioner prays for setting aside the order dated 22.11.2019 (Annexure P7) whereby the learned District Judge, Faridabad, allowed the two applications filed by the respondent-defendant – one under Order 41 Rule 27 CPC for leading additional evidence; and second under Section 65(c) of the Indian Evidence Act, 1872 for leading secondary evidence.

Heard the learned counsel and perused the impugned order.

It transpires that the defendant wanted to prove reply to the legal notice which had been sent to the plaintiff and a copy thereof was already on record as Mark 'DC'. Besides the aforementioned, he also wanted to prove the legal notice dated 12.05.2012 sent to the plaintiff, a copy of which too was on file as Mark 'DA'. Similarly, reply dated 28.05.2012 to the legal notice dated 16.05.2012 of the plaintiff which is being sought to be

adduced by the appellant, a copy thereof is also on record. Ex.D4 i.e. copy of the passport though produced during evidence but was not complete inasmuch as some of the pages were not produced along with it. It is apparent that the respondent does not want to produce or adduce any fresh evidence. Hence, the production of documents which are being sought to be adduced by way of additional evidence would not in any way prejudice the case of the appellant as all the documents are already on record. Moreover the appellant will get an opportunity to rebut the same.

In view of the above, the petition is dismissed.

(MANJARI NEHRU KAUL)
JUDGE

02.12.2019

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Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No