

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

CR-2370 of 2021 (O&M)

Date of decision: 14.10.2021

Sarbjit Singh

...Petitioner

Versus

Manmohan Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Ms. Satpreet Grewal Kapila, Advocate for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

Briefly stated facts of the case are that plaintiff Sarbjit Singh had filed a suit for recovery of Rs.5 lacs as damages on account of defamation against defendant Manmohan Singh.

On getting notice, the defendant appeared and filed written statement, contesting the suit. During the course of proceedings, the plaintiff had moved an application under Section 65-B(4) of the Indian Evidence Act for testing, identifying/verifying the audio and video voice of defendant Manmohan Singh in CD from Forensic Laboratory at Mohali. That application was resisted by the defendant.

The trial Court of Addl. Civil Judge (Sr. Divn.) Dasuya, vide impugned order dated 18.08.2021, dismissed the application, which left the plaintiff aggrieved and he has filed the present revision petition before this Court.

I have heard learned counsel for the petitioner besides going

through the record.

The operative part of the impugned order runs as follows:-

“Perusal of record reveals that through the present suit plaintiff has sought the relief of recovery from the defendant as damages on account of defamation of the former by the latter. Through the application in hand, plaintiff intends to get the audio and video voice of defendant Manmohan Singh be tested, identified and verified from the Forensic Lab at Mohali. Plaintiff averred that CD already placed on record by him stores the audio and video voice of defendant. Defendant has challenged the authenticity of the said CD alleging the same as being prepared and manufactured one. Meaning thereby that the data stored inside the CD is not an admitted one between the parties. Nor it is the case of the plaintiff that the said CD is having audio and video of the defendant pertaining to a time before the filing of the present suit. Even otherwise, the application filed by the plaintiff under section 65B(4) of the Indian Evidence Act does not fall within the preview of the said section as the same deals with the admissibility of the electronic record and not with the kind of relief for which the plaintiff has moved the present application. In view of the aforesaid discussion, application in hand is disallowed.”

I find that there is no illegality or infirmity in the impugned order. The same is certainly not perverse or arbitrary. No defect in the impugned order dismissing the application under Section 65-B(4) of the Indian Evidence Act filed by the plaintiff is found to be there. No interference by this Court while exercising revisional jurisdiction is called for. Therefore, finding no merit in the instant revision petition, the same stands dismissed accordingly.

14.10.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No