

Sr. No.110

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

CR-2942-2021 (O&M)

Date of decision: 24.11.2021

Pardeep Kumar and others

...Petitioners

Vs.

Kamla since deceased now through his LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. B.S. Bedi, Advocate,
for the petitioners.

ARUN MONGA, J. (ORAL)

Grievance of the petitioners herein is against an order dated 25.10.2021 whereby evidence of the petitioner was closed by declining his request to grant him one more opportunity to examine clerks/Record Keepers from the office of Mini Secretariat, Panipat, District Courts, Panipat, Punjab and Haryana High Court and Sub-Registrar, Panipat.

2. Learned counsel for the petitioner/plaintiffs strenuously argues that case is now fixed for evidence of the defendants and further evidence will be closed thereafter, without granting one more opportunity, as prayed.

3. Learned counsel argues that in case petitioners are not granted one more opportunity, at this stage, to allow them to examine aforesaid clerks/record keepers, the proceedings before this Court would be rendered infructuous as thereafter only final arguments are to be heard.

4. Given the nature of order being passed, there is no necessity to issue notice to any of the respondents as no further proceedings and/or pleadings are required.

5. On a Court query as to what is the purpose of examining Clerks/ Record Keepers, he submits that Clerks/Record keepers have to be examined in order to ascertain the authenticity of the lower court record/sale deeds and gift deeds.

6. Being so, I am of the opinion that in view of Section 77 of Indian Evidence Act, 1872 Lower Court Records as well as sale deeds/gift deeds being certified public documents are *per se* admissible and their genuineness is not to be proved by examination of witnesses from the public offices where these are registered. Reference may be had to a judgment of this Court decided on 08.01.2014 passed in “***RSA No. 733 of 1987 titled as Mehar Singh and others Vs. Jagmal Singh @ Jaipal Singh and others***” wherein reliance has been placed upon Apex Court’s judgment rendered in case “***Madamanchi Ramappa and another Vs. Muthalur Bojjappa reported in 1963 AIR 1633.***”

7. In view of the aforesaid facts and circumstances, petitioners shall be given an opportunity to tender the certified copies of the documents. Until the same is done, the evidence will not be closed.

8. Disposed of accordingly.

24.11.2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No