

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

CR-1290-2019 (O&M)

Date of decision: 09.08.2022

Sudesh Khosla and another

...Petitioners

Versus

Ajay Khosla and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harminder Singh, Advocate for the petitioners
 Mr. Gagandeep Singh, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

The petitioners herein are the defendants. A suit for possession with a consequential relief of permanent injunction is pending against them. During the pendency of the suit, the plaintiff has summoned Bhagwan Singh- PW3, Record Keeper from the office of Sadar Kanungo, who exhibited certain documents from the record he has brought. Another application filed by the plaintiff under Section 65 of the Indian Evidence Act, 1872 for permission to lead secondary evidence has been allowed by the court. The defendants challenged the aforesaid consolidated order.

Learned counsel representing the petitioners contends that the documents produced by them are only photocopies. He submits that these documents have been wrongly exhibited.

This Court has considered the submission made by the learned counsel, however, finds no merit therein. The statement of Bhagwan Singh, Record Keeper on 08.12.2017 reads as under:-

*“PW-3 Bhagwan Singh, Record Keeper,
Sadar Kaungo Branch, DC Office Gurdaspur on SA*

*I have brought the summoned record and as per the record that judgment of case no.47 dated 11.4.94, on the application on Om Parkash Khosla. The copy of the same is Ex.P3 and Ex.P4 and the copy of the will is Ex.P5 and on the basis of said order copy of mutation is Ex.P6 and the copy of the order dated 14.2.94 is Ex.P7, the copy of mutation is Ex.P8 and the said record is the true photo copy as per office record.
XXX cross examination is deferred due to lunch time.”*

It is evident that he brought the summoned record and thereafter, produced the copies thereof, which were exhibited. In fact, the court should have recorded that the copies of the documents have been exhibited after comparing same with the summoned record, however, such an observation has not been made. It is crystal clear that the Record Keeper has stated that he has brought the summoned record, therefore, there is hardly any scope for doubting the correctness of the copies produced on record.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

09.08.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE