

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

CR-4036-2022 (O&M)
Date of decision : 29.11.2022

Ashi Limited	Versus	... Petitioner(s)
Union of India & Anr.		... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mani Ram Verma, Advocate for the petitioner.

Mr. Shivoy Dhir, Senior Panel Counsel, Union of India
for the respondents.

ALKA SARIN, J. (ORAL)

The present revision petition under Article 227 of the Constitution of India has been filed against the order dated 31.08.2022 rejecting the application filed by the petitioner for deleting the documents (Ex.R3 & Ex.R4) and the statement of Sh. R.K. Meena, Law Officer.

Learned counsel for the petitioner would contend that the respondents had filed an application for producing documents in additional evidence. The said application was allowed vide order dated 23.09.2021. In the concluding part of the order it was stated as under :

“6. So, in view of the aforesaid discussions and reasons, the application stands allowed. It is made clear that only two effective opportunities will be granted to applicants/ respondents to tender the aforesaid documents on record. Accordingly, application stands disposed of.”

It is further the contention that subsequent to passing of the said order dated 23.09.2021, the certified copies of the documents were tendered in evidence by the counsel and a statement was made closing the additional evidence. Thereafter, the statement of Sh. R.K. Meena, Law Officer, CLA & WR Jaipur on SA was recorded tendering the certified copies of the documents. The petitioner immediately filed an application for deleting the documents (Ex.R3 and Ex.R4) and the statement of Sh. R.K. Meena, Law Officer. The said application was dismissed vide the impugned order dated 31.08.2022. Learned counsel for the petitioner would further contend that firstly the order allowing the additional evidence allowed the respondents only to tender the documents in evidence and there was no permission granted for leading evidence of Sh. R.K. Meena, Law Officer. It is further the contention that once Law Officer, Sh. R.K. Meena was examined on SA, the petitioner ought to have been given an opportunity to cross-examine.

Per contra, learned counsel for the respondents has supported the impugned order on the ground that the documents have only been tendered in evidence.

Heard.

In the present case, vide the order dated 23.09.2021 two effective opportunities were granted to the respondents to tender the documents. Accordingly, the documents were tendered by the counsel and he closed his evidence. Thereafter, without there being any permission from the Court, the statement of one Sh. R.K. Meena, Law Officer, CLA & WR Jaipur was recorded on SA and certified copies of the documents were tendered. Learned counsel for the respondents is not in a position to deny

the fact that no opportunity of cross-examining the said witness was given to the petitioner. Learned counsel for the respondents is also not in a position to deny that vide the order dated 23.09.2021 only two effective opportunities were granted to tender the documents and no permission to lead the evidence of Sh. R.K. Meena, Law Officer was granted.

In view of the above, the application filed by the petitioner is allowed striking off the statement of Sh. R.K. Meena, Law Officer since it was beyond the order passed by the Court on 23.09.2021. Accordingly, the present revision petition is allowed to the above-mentioned extent. Pending applications, if any, also stand disposed off.

It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

29.11.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO