

KRISHAN LAL Vs. MADHU KUMAR AND ORS.

04.08.2023

Present: Sh. Satish Kumar Sansi and Sh. Manish Kumar, Ld. Counsels for the plaintiff along with the plaintiff.

Sh. PK Sharma, Ld. Counsel for the defendant no. 1 and 2 along with defendant no. 2.

Ld. counsel for the plaintiff has filed on record replies to the applications of the defendant u/o XVI Rule 3 of the CPC and to the application u/s 65B of the Indian Evidence Act. Copies thereof supplied to the ld. counsel for the defendant.

In the application u/s 65 B of the Indian Evidence Act, the defendant wants that he be allowed to lead the secondary evidence in respect of:-

- a) Receipt of Book "B" slip no. 2493 dated 20.02.2018 of Rs. 200/- issued from Sub-Registrar VI E Libaspur, Delhi.
- b) Complaint dated 30.03.2018 to SHO PS Samaypur Badli vide DD no. 64 B dated 30.03.2018.
- c) Complaint dated 14.04.2018 to DCP, Sector 22, Rohini, Delhi and postal receipts.
- d) Complaint dated 26.04.2018 to SHO PS Samai Pur Badli and postal receipts.

However, during the course of arguments, ld. counsel for the defendant has agreed that he be allowed to summon the previous advocate for the defendant who has failed to return the file to the defendant and he be allowed to summon the witness from the police department to prove on record the complaints and to summon the witness from the office of the Sub-Registrar to prove on record the

Receipt of Book “B” slip no. 2493 dated 20.02.2018 of Rs. 200/-.

On the above said aspect, ld. counsel for the plaintiff states that he has no objection to the same.

In these circumstances, the application filed by the defendant u/s 65B of the Indian Evidence Act is disposed off with the directions that the defendant shall be at liberty to summon the previous advocate of the defendant as a witness and to summon the police officials in order to prove the above said complaints dated 30.03.2018, 14.04.2018 and 26.04.2018 and the witness from the Office of the Sub-Registrar in order to prove on record the Receipt of Book “B” slip no. 2493 dated 20.02.2018 of Rs. 200/-.

List of witnesses placed on record by the defendant along with the affidavits of DW1 and DW2 is hereby taken on record.

The application u/o XVI rule 3 of the CPC is hereby disposed off.

Now to come up for examination and cross-examination of DW1 and DW2 and for entire remaining DE as well on **17.10.2023**.

(Raj Kumar)
ADJ-02/ North/ Rohini Court
Delhi/04.08.2023