

**Smt. Manorma Sharma vs. Food Corporation of India
& Ors.
C.S. No.80 of 2010.**

27.06.2025

Present: Mr. K.D. Sood, Sr. Advocate with Mr. Het Ram Thakur, Advocate, for the plaintiff.
Ms. Sunita Sharma, Senior Advocate, with Ms. Sugandh Verma, Advocate, for the applicant in OMP No. 434 of 2025.
Mr. Y.P. Sood, Advocate, for defendants No. 1 and 2.
Mr. Shiv Pal Manhans, Senior Panel Counsel, for defendant No.3.

OMP No. 434 of 2025

By way of this application, the plaintiff-applicant has made a prayer to summon a witness from the office of C.P.W.D with the latest recommendation with respect to rent.

It is averred that the plaintiff has examined witness Sh. Vinay Kumar, Superintendent from the office of Central GST Commissioner, Chotta Shimla as PW-14, who had brought the summoned record on the basis of which a copy of recommendation for higher rate of rent increased by C.P.W.D was produced and a copy was exhibited as Ext.PW14/A.

It is further submitted in the application that since the defendants-non-applicants had objected to the exhibition of the document on the ground of mode of proof, a witness from the office of C.P.W.D is required to be examined.

I have seen the record. Though the objection as to mode of proof was raised by the defendants-non-applicants for exhibition of EXPW14/A, the same has not been decided and probably, for such reason the instant application has been filed.

From the statement of PW-14, it is clear that said official had brought the original record and the document Ext.PW14/A was exhibited on the basis of said record. This fact becomes evident from the cross-examination of the witness where he specifically deposed that he had brought the original official record. He further stated that

he was conversant with the signatures of Shamsheer Saini under Red Circle "B" in Ext. PW14/A, who was working as Tax Assistant in the office. Thus, the objection as to exhibition of the document needs to be overruled as the document Ext.PW14/A as far as the exhibition is concerned has been properly proved. As regards, the contents of the document, the exhibition has nothing to do and it will be seen at the time of final adjudication of the matter. In this view of the matter, the application is dismissed, more particularly when no further witness can be allowed to be examined by the plaintiff-applicant as it will amount to allowing the leading of additional evidence, which already had been allowed in favour of the plaintiff-applicant by way of orders in OMP No. 963 of 2024.

OMP No. 555 of 2025.

By way of this application, a prayer has been made to prove photographs marked as A-1 to A-26 by way of secondary evidence.

As per plaintiff-applicant, these photographs were clicked by the plaintiff-applicant from her mobile, which got allegedly damaged and is out of use.

The averments have been denied by the respondents by filing reply.

Since there is a specific averment that the plaintiff-applicant had clicked the photographs from her mobile which allegedly got damaged. The fact requires inquiry and for such matter the following issues were framed:

- i) Whether the photographs marked A1 to A 26 are the copies of the photographs clicked from the mobile of the plaintiff-applicant, as alleged?

OPA

ii) Whether the mobile of the plaintiff-applicant has been damaged, as alleged, if so its effect? OPA

iii) Relief?

Learned Registrar(J) to fix the date for evidence on aforesaid issues.

OMP No.144 of 2025

In view of the order passed in CMP No. 555 of 2025, the prayer made in the application has been rendered infructuous for the time being. Ordered accordingly. Application stands disposed of.

(Satyen Vaidya)
Judge

June 27, 2025
(veena)