

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 1128 of 2015 (O&M)
Date of decision: 17.03.2015

Yogesh Kaushik

... Petitioner

versus

Smt. Sushila Dalal

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Manav Bajaj, Advocate, for
Mr. Sumeet Goel, Advocate for the petitioner.

K.Kannan, J.

The application for reception of secondary evidence was allowed and the aggrieved parties are the persons who do not want the secondary evidence to be placed.

This Court has held in CR No. 6632 of 2012, Kaushalya Vs. Jangir Singh and others decided on 07.11.2012, that there is no need even for filing such an application.

All what is necessary for the trial Court to see is whether any of the circumstances mentioned under Section 65 of the Evidence Act, is set forth as a justification for reception of secondary evidence. If there exists such an ground, the adversary will only be competent to contest the ground averred in the cross-examination and will not cause any obstruction to the receipt of the document as secondary evidence. It is trite law that even the reception of a document by Court and exhibiting it as evidence cannot dispense with the requirement of proof of document. The petitioner cannot, therefore, be treated as aggrieved if he has a case to contest that the document is inadmissible or it cannot be relied on by Court for any reason. He shall be at liberty to place such an argument at the time when it is his turn to make final submissions

before judgment is pronounced. With this liberty the order passed, allowing for secondary evidence be received, is maintained.

The civil revision petition is dismissed with above observations.

(K.KANNAN)
JUDGE

17.03.2015

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