

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 1176 of 2013 (O&M)
Date of Decision: 09.3.2015.

Jagan Singh

.....Petitioner

Versus

Rajinder Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. M.S.Sidhu, Advocate
for the petitioner.

Mr. Gurcharan Dass, Advocate
for respondents No. 1 and 2.

None for respondents No. 5, 7 to 11, 13, 15, 18 and 19.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 25.5.2011 whereby application moved by the petitioner to prove the sale deed dated 26.11.1989 by leading secondary evidence, was dismissed.

Impugned order dated 25.5.2011 reads as under:-

“Remaining arguments heard. Though, various case laws have been referred on behalf of both parties but what is more important is the pleadings of parties, first when before filing written statement defendant moved an application for production of certain documents including sale deed dated 26.11.1989, at that time, plaintiff replied that he has misplaced sale deed dated 26.11.1989 and

has obtained certified copy of it. Now the application has been moved but till date no certified copy of sale deed has been produced. Thus, in this manner secondary evidence can not be allowed to be produced. There is no proof of loss of original sale deed. Application stands dismissed. Now to come up on 29.7.11 for remaining evidence of plaintiff.”

Learned counsel for the petitioner has submitted that petitioner is in possession of the certified copy of the sale deed in question and will place the same on record. Petitioner be granted one opportunity to enable him to place on record certified copy of the sale deed in question.

Keeping in view the submissions made by learned counsel for the petitioner, this petition is allowed. Impugned order dated 25.5.2011 is set aside. Trial Court is directed to grant one opportunity to the petitioner to enable him to place on record certified copy of the sale deed in question and, thereafter, the Trial Court shall dispose of the application moved by the petitioner for permission to prove the sale deed in question by leading secondary evidence afresh, in accordance with law. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

**(SABINA)
JUDGE**

March 09, 2015
Gurpreet