

**In the High Court of Punjab and Haryana at Chandigarh**

**Civil Revision No. 1396 of 2014 (O&M)**  
**Date of Decision: 24.4.2015.**

Hardev Singh

.....Petitioner

Versus

Guru Teg Bahadur Educational Trust  
and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

Present: Mr. Naresh Jain, Advocate  
for the petitioner.

Mr. Sandeep Jasuja, Advocate  
for the respondents.

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**SABINA, J.**

Petitioner has filed this petition challenging the order dated 31.1.2014 whereby application moved by the defendants for permission to lead secondary evidence, was allowed.

Learned counsel for the petitioner has submitted that the documents now sought to be proved by way of secondary evidence, had not been relied upon by the defendants in their written statement nor any action was ever taken on the said complaints.

Learned counsel for the respondents, on the other hand, has submitted that it had been specifically averred in the written statement that previously also conduct of the petitioner was not proper and his conduct with the staff and students, was uncordial and uncomfortable. By way of the documents, now sought to be proved on record by way of secondary evidence, respondents wanted to establish the fact that the behaviour/conduct of the

petitioner was not proper/cordial/comfortable.

Petitioner has filed suit for declaration that the resolution dated 26.5.2012 passed by the defendant-trust, was illegal, null and void. A perusal of the impugned resolution Annexure P-3 reveals that the primary membership of the petitioner from the trust was terminated as he had unloaded 500 bags of cement at his residence which was under construction instead of unloading the said bags in the college. A perusal of the said resolution reveals that there is no allegation against the petitioner that his conduct was not proper. By way of secondary evidence, respondents want to prove on record complaints given by the staff members against the petitioner. Admittedly, no action was ever taken by the respondents on the said complaints. The said complaints were also not specifically mentioned by the defendants-respondents in their written statement nor they were attached by the defendants-respondents with their written statement. Moreover, the membership of the petitioner was not terminated on account of the said complaints, therefore, the complaints in question are not necessary for the just decision of the case. In these circumstances, the learned Trial Court fell in error while allowing the application filed by the respondents for permission to prove the complaints by leading secondary evidence.

Accordingly, this petition is allowed. Impugned order dated 31.1.2014 is set aside. Consequently, the application moved by the respondents for permission to lead secondary evidence, is dismissed.

**(SABINA)  
JUDGE**

**April 24, 2015  
Gurpreet**