

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(214)

**CR No.3308 of 2013
Decided on: April 9, 2015.**

Rajesh Chander Bajaj

.... Petitioner

Versus

Savita Bajaj

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Vivek Chauhan, Advocate,
for the petitioner.

None for the respondent.

M.M.S. BEDI, J (ORAL)

This is husband's revision petition against the order dated 10.05.2013 allowing the respondent-wife to prove two documents i.e. a letter written by the petitioner to SHO, Police Station Focal Point, Ludhiana and a letter written to Welfare Association, Sector 39, Urban Estate, Ludhiana with an objective to establish the conduct of the petitioner dis-entitling him for the relief in his divorce petition.

Learned counsel for the petitioner has submitted that the existence of the documents has not been established by the respondent as such the permission should have been declined.

I have gone through the impugned order, wherein the trial Court has observed that the documents which were sought to be proved by secondary evidence had been sent by the petitioner to the concerned SHO and to the President of Welfare Association and a reference has been made to the documents in the pleadings.

After considering the contentions of learned counsel for the petitioner, I am of the considered opinion that by merely permitting a party to lead secondary evidence will not tantamount to a presumption that the existence of the documents has been accepted by the Court.

This petition is disposed of with an observation that order dated 10.05.2013 will not absolve the respondent to establish the execution, existence, relevance and admissibility of the documents and the order for permission to produce secondary evidence will certainly be subject to above requirements of the law before the documents are considered to have been proved in accordance with the provisions of Indian Evidence Act.

(M.M.S. BEDI)
JUDGE

April 9, 2015
harsha