

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 3568 of 2015 (O&M)
Date of Decision: 21.5.2015.

Preet Mohinder Singh

.....Petitioner

Versus

Manjit Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. A.K.Ahuja, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 22.4.2015 whereby application moved by the plaintiffs for permission to lead secondary evidence qua partition agreement dated 30.5.1962, was allowed.

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

Plaintiffs had filed suit for declaration, mandatory injunction and permanent injunction. During the pendency of the suit, plaintiffs No. 1, 2, 4 and 5 moved an application for permission to lead secondary evidence qua partition agreement dated 13.5.1962 executed by Jaswant Kaur in favour of the plaintiffs and defendant No. 1 and 7. The case of the plaintiffs was that the document in question had been kept by Jaswant Kaur and copy of the same had been given to Municipal Council, Rajpura for making entries in the record qua the ownership of the property

mentioned in the partition agreement. Plaintiffs had got an attested copy of the partition agreement from the office of the Municipal Council, Rajpura and wanted to prove the same by way of secondary evidence. The learned Trial Court while allowing the application has held that since the attested copy of the partition agreement dated 30.5.1962 had been prepared by the Municipal Council, Rajpura, it would be just and expedient to permit the plaintiffs to prove the same by leading secondary evidence. In order to safeguard the interest of the parties, learned Trial Court has further held that the application of the plaintiffs was allowed subject to the condition that plaintiffs shall establish the proof of loss of partition agreement dated 30.5.1962 and shall also establish the fact as to whether copy of the partition agreement dated 30.5.1962 produced before the Municipal Council, Rajpura was made by the copying machine from the original. Thus, the Trial Court while allowing the application has safeguarded the interest of the defendants.

In these circumstances, no ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

May 21, 2015
Gurpreet