

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.3747 of 2015 (O&M)

Date of Decision.28.05.2015

Charanjit Kaur and others

.....Petitioners

Versus

Neeraj Kumar Jain and others

.....Respondents

Present: Mr. Sanjay Tangri, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. It is utter waste of time for judgment debtors to arrive before this Court complaining that the secondary evidence ought not to be received. If the petitioners' grievance is that it is not really a true reproduction of the original and there is no proof that the photostat copy was taken from the original document, it will be a matter for cross-examination of the party and elicit the favourable answers to him. The mere fact that a document is exhibited as evidence does not dispense with having to prove the document as laid down by the Supreme Court in **Sait Tarajee Khimchand Vs. Yelamarti Satyam 1972(4) SCC 562** and **LIC of India Vs. Ram Pal Singh Bisen 2010(4) SCC 491.**

2. I have given elaborate reasons in the judgment rendered by this Court in **Anupam Jain Vs. Smt. Kulwant Gupta** in C.R. No.2991 of 2012 dated 09.03.2015 that reception of documents as secondary evidence ought not to be an issue for consideration in revision and it will

be a matter before the trial Court itself for all objections to be taken as regards the reliability of such document. The mere reception of the document cannot cause any prejudice to the party who has means of showing that the person who produced the document had not given adequate proof or justification for reception of secondary evidence in the manner contemplated under Section 65 of the Indian Evidence Act and that the secondary evidence produced as a secondary evidence does not constitute secondary evidence in the manner defined under Section 63 of the Indian Evidence Act.

3. In the light of the law laid down by this Court in Anupam Jain Vs. Smt. Kulwant Gupta (referred to above), the revision petition is dismissed.

(K. KANNAN)
JUDGE

May 28, 2015
Pankaj*