

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

**CR No. 4627 of 2014 (O&M)
Date of decision: 16.11.2015**

Kanwaljit Kaur

... Petitioner

versus

Gurbax Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. G.S. Sirpikhi, Advocate for the petitioner.

Mr. P.S. Miglani, Advocate for respondent Nos. 1 to 4.

K.Kannan, J.

The secondary evidence of the Will was sought to be produced through an application. The contention was that the original had been filed in the mutation proceedings and it had been lost. There was a sure ground offered by the party seeking to produce the secondary and the Court should have allowed the same and given the opportunity to the adversary to test the correctness on his assertion in the course of cross-examination. The reception of document must be always taken as subject to the proof of original on having been lost, the truth of which can be brought out only in the course of cross-examination. The order already passed is set aside and the secondary evidence of the document is allowed to be brought on record. Needless to state, it does not still dispense with requirement of proof of the loss of original and the proof of execution and attestation in the manner required under law.

The civil revision petition is allowed subject to the above observations.

**(K.KANNAN)
JUDGE**

16.11.2015

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