

CR No. 5959 of 2014

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

CR No. 5959 of 2014 (O&M)
Date of decision: March 30, 2015

Nasib Singh and another

...Petitioners

Versus

Zora Singh and another

...Respondents

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?

Present: Mr. Sushil Saini, Advocate,
for the petitioners.

Mr. Gautam Pathania, Advocate,
for the respondents.

K. KANNAN, J. (Oral)

1. The adoption of procedure which is unknown to law, resultant to ignorance of parties who failed to follow the pronouncements of court is the cause for the application before the court and a justification for the party to come in revision. This court has held that if a party discloses any of the circumstances mentioned under Section 65 of the Evidence Act for production of secondary evidence, it shall be stated so in evidence and tested in cross-objections and there is no requirement to file even a petition before the court for such a course. This aspect has been brought out through several decisions of this court from 2009, vide Simarpal Singh Versus Hakam Singh 2009 (2) PLR 562; SP Arora Vs. Satbir Singh 2010 (5) RCR (Civil) 537; Atma Nand (deceased) through LRs Versus Ram Sarup (deceased) through LRs 2012 (1) PLR 440; Civil Revision No. 6632 of

CR No. 5959 of 2014

2012 Kaushalya Bai @ Kosholiya Devi Versus Jangir Singh decided on 7.11.2012 and Anupam Jain Versus Kulwant Gupta Civil Revision No. 2991 of 2012 decided on 9.3.2015. The court before which a secondary evidence is sought will receive the same if evidence is led with reference to any circumstances for production of secondary evidence and the justification for the non-production of the original shall be tested in the cross-examination by the party who opposes reception of secondary evidence. The court will take decision on the basis of the evidence along with other issues and consider the secondary evidence as per the decision regarding the evidence. The manner of how it should be done is set out in in most recent decision in Anupam Jain's case, referred to above.

2. The order already passed is maintained. Civil Revision is dismissed.

March 30, 2015
prem

(K.KANNAN)
JUDGE