

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 6252 of 2015

Date of decision : September 21, 2015

Ramesh Kumar

..... Petitioner

Versus

Monaliza Silk Private Limited and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. V. K. Sandhir, Advocate
for the petitioner.

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?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 20.7.2015 (Annexure P-5) whereby the application filed under Section 65 and 66 of the Indian Evidence Act, 1872 in a suit filed under Section 6 of the Specific Relief Act, 1963 seeking possession of the property has been allowed.

Learned counsel for the petitioner-defendant submits that the alleged rent note dated 10.6.2001 does not bear the signatures of the petitioner-defendant. Thus, the court below has committed illegality and perversity in allowing the application by permitting the respondent-plaintiff to lead secondary evidence by putting a rider to its existence.

I have heard learned counsel for the petitioner and appraised the paper book.

The respondent-plaintiff has chosen to file a suit under Section 6 of Specific Relief Act, 1963 alleging dispossession at the hands of the petitioner-defendant. It is a matter of record that the petitioner-defendant was alleging to be a tenant in the said property. Since the petitioner-defendant has denied the existence of the execution of the rent note, aforementioned, the trial court had granted permission to lead evidence with regard to the aforementioned rent note by way of secondary evidence subject to its existence.

In my view, the trial court ought to have added the other word "execution". Accordingly, the impugned order is modified and the respondent-plaintiff shall be permitted to lead secondary evidence viz-a-viz rent note dated 10.6.2001 but there shall be a condition precedent to prove its existence and execution.

With the aforementioned modification, the revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

September 21, 2015
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