

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

CR No. 6197 of 2014 (O&M)
Date of decision: April 28, 2015

Parminder Kumar

...Petitioner

Versus

Ram Avtar 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. Rakesh Gupta, Advocate,
for the petitioner.

Mr. LS Sidhu, Advocate,
for the respondents.

K. KANNAN, J. (Oral)

1. In a suit for specific performance, the plaintiff was trying to produce the secondary evidence of the agreement, which admittedly was executed by the defendants. The defendants' contention was that the agreement was cancelled. The secondary evidence can be given with reference to a document which is admitted in terms of Section 65 of the Evidence Act. The document ought to have been received and the defendants will be permitted to substantiate the cancellation by any circumstance, including the circumstance of the petitioner's inability to produce the original. The plaintiff has his own explanation to offer. The agreement is still subsisting but the original is lost. The court will apprise the nature of contention on the basis of evidence but it would be wrong to

reject the secondary evidence tendered by the plaintiff, as required to be received in evidence. I set aside the impugned order and direct the copy of the document produced by the plaintiff to be accepted on the plaintiff's side as documentary evidence and allow for continuation of the trial in the light of the observations made above.

2. The revision petition is allowed to the above extent.

April 28, 2015
prem

(K.KANNAN)
JUDGE