

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

C.R. No.7220 of 2014

Date of Decision.30.07.2015

Jaspal Singh

.....Petitioner

Versus

Harnek Singh

.....Respondent

Present: Mr. R.K. Handa, Advocate
for the petitioner.

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?

-. -

K. KANNAN J. (ORAL)

1. There is no justification for coming to this Court complaining of reception of secondary evidence brought at the instance of the plaintiff who says that the original is lost. If the original is lost, secondary evidence is admissible under Section 65 of the Indian Evidence Act. The secondary evidence is defined under Section 63 of the Indian Evidence to include copies made from the original by mechanical processes which in themselves insure the accuracy of the copy and copies compared with such copies. The reproduction of secondary evidence by the plaintiff is, therefore, perfectly justified.

2. If the contention of the defendant is that the original would not have been lost and that he was not a party to the document, it is a matter of eliciting such a fact in cross-examination and not to complain by means of revision petition. The issue of how the secondary evidence will be dealt with has been considered by this Court in several decisions

and more particularly in Anupam Jain Vs. Smt. Kulwant Gupta in C.R. No.2991 of 2012 dated 09.03.2015. There is hardly any scope for a person to approach this Court complaining that he is aggrieved, for, it is always a matter of evidence that the secondary evidence could be received or not or what is produced before the Court is not secondary evidence of the original.

3. With these observations, the civil revision is disposed of.

(K. KANNAN)
JUDGE

July 30, 2015
Pankaj*