

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.7585 of 2013

Date of decision: 16.03.2015

Vinod Kumar Gupta

... Petitioner

versus

Roshan Lal Gupta and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: None.

K.Kannan, J. (Oral)

1. The revision petition is against the dismissal of petition for secondary evidence. I have already held that even such an application is not necessary and if the grounds are set forth for production of secondary evidence, the documents are bound to be received and allowing for the defendants to cross-examine the party wishing to produce the secondary evidence on issues of genuineness or the justification offered for non-production of the original. I find that the plaintiff has averred that the original documents are not with him and they are in the custody of the defendant. By merely denying the custody, it cannot be stated by the defendant that the plaintiff has not established the grounds for production of secondary evidence. The manner of dealing with such like instances has been dealt with by this court in **Simarpal Singh Versus Hakam Singh-**

2009 (2) PLR 562; S.P. Arora Versus Satbir Singh-2010 (5) RCR 530 and Atma Nand (deceased) through L.R. Versus Ram Sarup (deceased) through his L.Rs-2012 (1) PLR 440.

2. The order passed by the court below is set aside and the civil revision is allowed. The court will follow the procedure as laid down in the aforesaid judgments.

(K.KANNAN)
JUDGE

16.03.2015
sanjeev