

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

C.R.No.7817 of 2015 (O&M)

Date of Decision: November 20, 2015

Inderjit Singh Bawa & others

...Petitioners

Versus

Surinder Kaur alias Raj & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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.Sourabh Goel, Advocate,
for the petitioners.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiffs are in revision petition against the impugned order dated 15.10.2015, whereby the application seeking indulgence of the Court to lead secondary evidence, vis-a-vis agreement dated 19.6.1998 and general power of attorney of even date, Ex.PX2 and Ex.PX3, on the premise that the said documents were not traceable and DDR in this regard had been lodged, had been dismissed.

Mr.Sourabh Goel, learned counsel appearing on behalf of the petitioners submits that the indulgence of the trial Court was sought to only prove the loss and existence of documents. The trial Court has, thus, committed illegality and perversity in dismissing the application. In support of his contention, relied upon the judgments rendered by this Court in **Rajesh Yadav and others Versus Balbir Singh and others, 2015(1) CivCC 196, Prem Lata Versus Dwarka Parsad and others, 2014 (2) R.C.R. (Civil) 458 and Bakhshinder Singh and another Versus Harjit**

Kaur, 2013(7) R.C.R. (Civil) 675.

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

It is settled law that photocopies of the documents cannot be led in secondary evidence. Even the manner and mode in which the documents alleged to have been lost, is that these are not traceable. This Court, during the course of arguments, has seen the photocopies of the agreement and as well as general power of attorney. The stamp papers, on which the agreement and general power of attorney have been typed, bear the same serial number. It has to be on different serial number. It creates a reasonable doubt in the mind of the Court with regard to the authenticity and genuineness of the documents, though the petitioner-plaintiffs had pleaded with regard to the aforementioned documents. In my view, nothing prevented the plaintiffs to annex the copies of the original documents at the time of filing of the suit. At that time, there was no pleading in the plaint that the documents had already been lost. Even as per the amended provisions of the Civil Procedure Code, it is the original documents, which have to be annexed with the plaint and not the photocopies.

In view of my aforementioned observations, I do not intend to differ with the findings rendered by the trial Court in dismissing the application. The judgments (supra), which are based upon the facts and circumstances of each case, would not be applicable in the present case.

Accordingly, the revision petition is dismissed.

November 20, 2015
ramesh

(AMIT RAWAL)
JUDGE