

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

CR No.7961 of 2015

Date of decision : 28.11.2015

Punita Rani

...Petitioner

Versus

Vinod Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Manu Loona, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

Challenge in the present petition is to the order dated 17.10.2015, whereby application filed under Section 65 of Indian Evidence Act in petition filed under Section 13 of the Hindu Marriage Act has been allowed by the Addl. District Judge and the respondent-husband was permitted to prove Mark-A, Mark-B and Mark-C by way of secondary evidence by putting a rider on proving its existence and loss.

The documents according to the respondent are necessary and essential for the adjudication of the controversy between the parties to the lis as it pertains to the execution of the Panchayatnama, wherein the petitioner is stated to have given certain undertaking.

The operative part of the order reads thus:-

“5. The respondent has simply taken the plea by denying his documents but it is duty of the petitioner-applicant to prove these documents by leading the cogent and convincing evidence subject to proof of its execution and loss. The contents of the learned counsel for the respondent that it has been filed on belated stage is devoid of any merit as the evidence of the petitioner is still open. The respondent would also get an opportunity to rebut the evidence led by applicant, if any. Consequently, the application moved by the applicant-petitioner under Section 65 of Indian Evidence Act is allowed.”

Since the trial Court has granted the permission to the respondent to lead secondary evidence which is subject to proof of the execution/existence.

I do not find any illegality and perversity in the order under challenge.

The order cannot be said to have been passed without jurisdiction.

It is made clear that before respondent can prove the documents Mark-A, Mark-B and Mark-C by way of secondary evidence, it will be subject to the proving of its execution/existence and loss.

With the aforementioned observations, I do not intend to differ with the impugned order passed by the trial Court.

Resultantly, revision petition is dismissed.

28.11.2015

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**(AMIT RAWAL)
JUDGE**