

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

CR No. 1344 of 2015 (O&M)

Date of decision: 21.01.2016

Raj Kumar

... Petitioner

versus

Punjab State and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Inderjit Sharma, Advocate for the petitioner.
Mr. D.S. Addl, Advocate General, Punjab.
Mr. Sumeet Abrol, Advocate for
Mr. M.C. Dhariwal, Advocate for respondent No.3.
Mr. Ritesh Pandey, Advocate for respondent No.4.

K.Kannan, J. (ORAL)

A copy of the agreement filed by the plaintiff was sought to be produced as secondary evidence on a plea that the original was with respondent Nos.4 & 5. The relevance of the document was that the plaintiff's predecessors was shown as immediate adjoining owner to the *khokha* that was the subject matter of agreement. According to petitioner, he was entitled to allotment of a new property after the demolition of old one. The parties in whose favour the document was made are defendant Nos. 4 & 5 and the copy was produced after serving notice for production of the original in Court. It was surely a ground made for reception of secondary evidence in the manner required under Section 65 of the Evidence Act. The court ought to have allowed the secondary evidence to be brought on record.

The impugned order is set aside and the revision petition is allowed.

Needless to state that the reception of the document does not dispense with the requirement of proof of the sale and that it was true copy in the manner defined under Section 62 of the Evidence Act.

21.01.2016

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**(K.KANNAN)
JUDGE**