

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

**CR No.1404 of 2016
Decided on: 24.02.2016**

Jatinder Singh

....Petitioner

Versus

Satinder Singh

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present: Mr. Lakhwinder Singh Sidhu, Advocate
for the petitioner.

REKHA MITTAL J. (Oral)

The present petition lays challenge to order dated 09.12.2015 (Annexure P-6) passed by the Civil Judge (Senior Division), Mansa, whereby an application dated 14.10.2015 (Annexure P-4) filed by the respondent/plaintiff for proving the family settlement/partition deed dated 29.04.2011 by way of secondary evidence is allowed.

Counsel for the petitioner contends that as per plea of the respondent, the original family settlement/partition deed is in possession of the defendant/petitioner but on the contrary, he has sought to prove the said document on the basis of a certified copy purported to be obtained from the records maintained by the Revenue Authorities in regard to sanction of mutation. It is further submitted that as the petitioner has denied existence of any such

document, the application filed by the respondent for secondary evidence is liable to be dismissed.

I have heard counsel for the petitioner, perused the records and find no merit in the petition.

The respondent has filed a suit for declaration claiming himself to be owner in possession of the suit land detailed in headnote of the plaint on the basis of memo of partition/family settlement dated 29.04.2011 and a copy thereof was appended with the plaint. The respondent filed an application for permission to prove the said document by way of secondary evidence on the premise that he has obtained a certified copy of the document from the records of mutation maintained by the Revenue Authorities when the original is stated to be in possession of the defendant/petitioner. As the respondent has obtained a certified copy of the document from the records of Revenue Authorities and has been granted permission to lead secondary evidence subject to proof of existence of the original, I do not find any error much less illegality in the impugned order as would call for intervention.

Dismissed.

(REKHA MITTAL)
JUDGE

24.02.2016

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