

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2060 of 2016

Date of Decision.18.03.2016

Mohinder Singh

.....Petitioner

Vs.

Kuljeet Singh

.....Respondent

Present: Mr. Amardeep Singh Gill, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The petition is against the order allowing for secondary evidence to be given subject to the relevancy and proof of the authenticity of the document. The defendant has objection that the Court was not satisfied yet about the loss of originals and secondary evidence could not be granted.

2. It has been stated times without number that there is not even a necessity for filing an application for reception of secondary evidence. Such secondary evidence is matter of consideration under Section 65 of the Indian Evidence Act. If any one of the grounds mentioned under Section 65 is spoken to by the party who is seeking for reception of secondary evidence, the Court is bound to accept it and leave it to the opposite party to elicit in the cross-examination that the grounds made are not true and the document produced as secondary evidence ought not to be received. The Court will then take a decision

on whether loss had been established or not. It is impossible for a Court to adjudge at an interlocutory stage whether the loss is established or not. It merely depends on the assertion made by the party who produces secondary evidence and the Court will not detain itself on the elaborate consideration of the loss. It will be considered along with several other issues at the time of disposal of the suit.

3. The objection taken by the petitioner is meritless and the order already passed is sustained. The revision petition is dismissed.

(K. KANNAN)
JUDGE

March 18, 2016
Pankaj*