

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

**CR No.3171 of 2016 (O&M)
Decided on: 24.08.2016**

Joginder Kaur (since deceased) through her LRs

....Petitioner

Versus

Bhag Singh and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Vineet Chaudhary, Advocate
for the petitioner.

REKHA MITTAL, J.

CM-9478-CII-2016

Prayer in this application is for condoning delay of 27 days
in re-filing the revision petition.

Heard.

In view of averments made in the application supported by
an affidavit of Vineet Chaudhary, Advocate, the application is allowed
and delay of 27 days in re-filing the petition is condoned.

CR No.3171 of 2016

The present petition has been directed against order dated
03.12.2014 (Annexure P-5) passed by the Civil Judge (jr. Division),
Ambala whereby application (Annexure P-3) for permission to lead
secondary evidence to prove adoption deed dated 21.02.1961 and copy
of judgment and decree dated 16.03.1963, has been allowed.

Counsel for the petitioner has submitted that the learned
trial Court has committed a serious error rather illegality in allowing the
application as in the written statement filed by defendant No.1, no such

plea with regard to loss of original documents has been raised. Another submission made by counsel is that Bhag Singh – respondent No.1 got recorded a statement on 13.02.2009 whereby he has denied being in possession of copy of the judgment dated 16.03.1993.

I have heard counsel for the petitioner, perused the paperbook particularly the order impugned and photocopy of the statement dated 13.02.2009 available at Page 64 of the paperbook.

The respondent/defendant No.1 filed the application for proving two documents i.e. registered adoption deed dated 21.02.1961 and copy of the judgment and decree dated 16.03.1963 by secondary evidence with the plea that the original registered adoption deed has been misplaced and the same is to be proved by attested copy issued by the office of Deputy Commissioner, Ambala. The plea with regard to proving copy of judgment and decree dated 16.03.1963 is based on the allegations that the original records of the civil suit instituted in the year 1962 that culminated in the judgment and decree dated 16.03.1963 is not available in the Record Room rendering the respondent unable to apply for its certified copy.

The learned trial Court, on a detailed consideration of the matter, permitted the respondent to produce and prove the documents by way of secondary evidence. The statement made by Sh. Bhag Singh referred to by counsel for the petitioner, does not indicate that Bhag Singh has denied being in possession of copy of the judgment dated 16.03.1963. The said statement makes reference to a copy of the judgment dated 16.03.1993 (in place of 16.03.1963) and the figure 1993 appears to be the result of writing error as no document of the

year 1993 is the subject-matter of controversy between the parties. Counsel for the petitioner has failed to advance any meaningful arguments to point out any infirmity much less perversity in the impugned order warranting intervention.

For the foregoing reasons, the petition is dismissed *in limine*.

24.08.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No