

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.3467 of 2016 (O&M)
Date of decision: December 09, 2016

Sukhdev Singh

...Petitioner

Versus

Pritam Singh & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. P.K. Ganga, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 25.04.2016, passed by Civil Judge (Jr. Division), Dabwali, whereby application filed by the petitioner seeking to lead secondary evidence has been dismissed.

Learned counsel for the petitioner has urged before this court that the trial court has erred in dismissing the application for leading secondary evidence. According to him, the writing dated 15.06.2012 sought to be produced and proved by the petitioner, is an important document for just adjudication of the case.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, petitioner/plaintiff filed a suit for declaration to the effect that he is owner in possession of a plot situated in village Gadrana, District Sirsa, which he had allegedly purchased from the defendant for a sale consideration of Rs.40,000/-. He also prayed for

consequential relief for restraining defendant/respondent from interfering into his possession and alienating the suit property. During pendency of the suit, petitioner/plaintiff moved instant application for secondary evidence seeking to produce and prove the writing of Panchayat dated 15.06.2012, which is a mere photocopy of the original. Application has been dismissed by the trial court by observing that document sought to be produced by way of secondary evidence is not admissible in evidence in view of provisions of Section 17 of Registration Act, 1908. Aggrieved, present revision petition has been preferred by the petitioner. A perusal of order shows that the petitioner had failed to produce the original document while leading affirmative evidence. Possibility of manipulation in the photocopy of document cannot be ruled out. Suit was instituted on 02.01.2013, which is fixed today for arguments. I find no infirmity with the order. Revision petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

December 09, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No