

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

Civil Revision No.6786 of 2016
Date of decision: December 05, 2016

Gopal Ram ...Petitioner

Versus

Sham Lal ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. M.S Sidhu, Advocate for the petitioner.

Rajan Gupta, J. (oral)

Present revision petition is directed against the order dated 6.8.2016, passed by Civil Judge (Jr. Division), Budhlada, 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 compromise 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, respondent/plaintiff filed a suit for possession and permanent injunction against the petitioner/defendant regarding a house on the ground that he purchased the plot underneath the house in the year 1991. Notice of the suit was issued to the petitioner/defendant, who

claimed half share in the plot on the ground that same was purchased in the name of the plaintiff with their joint funds. During pendency of suit, petitioner/defendant filed an application for leading secondary evidence to prove a compromise alleged to have arrived at between the parties, wherein respondent/plaintiff agreed to execute sale deed regarding half share of the plot in his favour, but he did not comply with the said compromise. Application has been dismissed by the trial court by observing that petitioner could not produce the original compromise and further the said document is not a public record. Aggrieved, present revision petition has been preferred by the petitioner. A perusal of records shows that the petitioner had failed to produce the original document sought to be produced and proved by way of secondary evidence. He pleaded that original document was in the records of Senior Superintendent of Police, Mansa, but when the official from that office was called, he denied the existence of the original compromise in their records. It is evident that now when case is nearing its culmination, petitioner has filed instant application just to delay the proceedings. I find no infirmity with the order. Revision petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

December 05, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No