

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

Civil Revision No. 7898 of 2015

Date of decision : 18.05.2016

Jitender Aggarwal

.....*Petitioner*

v

Sohan Lal and others

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner

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Rekha Mittal, J. (Oral)

The present petition has been directed against the order dated 26.08.2015 passed by the Civil Judge (Junior Division), Gurgaon whereby application filed by respondent Nos. 2 and 3 (objectors) for leading secondary evidence to prove redemption deed bearing vasika No. 45 dated 01.02.1951 purported to be executed by Sohan Lal, sale deed bearing vasika No. 418 dated 02.12.1953 executed by Ram Singh and Rati Ram in favour of Kirpa Ram and sale deed bearing vasika No. 259 dated 09.06.1960 executed by Kirpa Ram in favour of Ram Chander and Sumer Singh has been allowed as the objectors produced certified copies of the documents and pleaded that the original documents are not in their possession and the same are beyond their reach.

Learned executing Court, after having heard counsel for the parties has allowed the application with the observations that the applicant/objectors have prima facie established the factum of existence of above stated documents and has also established one of the conditions as

mentioned in Section 65 of Indian Evidence Act, in order to enable them to lead secondary evidence.

Counsel for the petitioner has submitted that the application for leading secondary evidence was filed with an intent to delay progress of execution of the decree passed in favour of the petitioner in the year 2008. However, he has not made any submission to point out any error much less illegality in the impugned order allowing the respondents/objectors to prove the documents in question by way of secondary evidence on the basis of certified copies produced on record.

I have heard counsel for the parties and perused the records but am unable to accept the submissions that the order passed by executing Court suffers from any infirmity much less illegality warranting intervention. As a natural consequence, the petition fails and is accordingly dismissed. No orders as to costs.

(Rekha Mittal)
Judge

18.05.2016
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