

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: December 21, 2016

Prem Nath

...Petitioner

Versus

Vijay Kumar and others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Naveen Batra, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The order under challenge does not envisage the statutory conditions. Compliance of conditions exists in bye-laws. Before the aforementioned conditions are fulfilled, allowing of the application for leading secondary evidence is not sustainable. The Court below, in my view, has not taken into consideration the aforementioned fact. The existence/loss has to be proved by leading direct and cogent evidence, only then the parties can be permitted to lead the secondary evidence. Thus, the order under challenge is modified to the extent that before the documents, indicated in the order, are brought on record by way of secondary evidence, the existence/loss shall be proved in accordance with law.

Revision petition stands disposed of.

December 21, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No