

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.388 of 2016**

Sunil Kumar son of late Shri Ramashray Chandrakar, aged about 45 years, R/o Doukidih, Tahsil Gunderdehi, District Durg (CG)

---- Petitioners

Versus

1. Kirti Lal son of late Shri Ramashray Chandrakar, aged about 65 years, R/o Doukidih, Tahsil Gunderdehi, District Durg (CG)
2. Tejendra Kumar son of Shri Kirti Lal Chandrakar, aged about 30 years, R/o. Village Anda, Tahsil and District Durg (CG)

---- Respondents

For Petitioner	:	Mr.T.K.Jha, Advocate
For Respondents	:	Mr.Avinash Chand Sahu, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

27/9/2017

1. The petitioner/plaintiff filed a suit for declaration of title, permanent injunction, recovery of possession and declaration of will as void. During the course of trial, he filed an application under Section 65 of the Evidence Act for proving the partition deed dated 9.9.1997 by secondary evidence, which has been rejected by the trial Court by the impugned order.
2. Learned counsel for the petitioner would submit that the trial Court is absolutely unjustified in rejecting the application filed by the petitioner under Section 65 of the Evidence Act and as such, the impugned order is unsustainable and bad in law and deserves to be set aside.
3. On the other hand, learned counsel appearing for the respondents would support the impugned order.
4. I have heard learned counsel appearing for the parties and perused

the impugned order.

5. A bare perusal of the impugned order would show that the trial Court has clearly held that partition deed is unregistered document and it is inadmissible in evidence and therefore, secondary evidence cannot be admitted. I do not find any jurisdiction error in the impugned order warranting interference by this Court.
6. Accordingly, the writ petition being without substance is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-