

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

Civil Revision No.2596 of 2017 (O&M)
Date of decision: April 07, 2017

Lakhwinder Singh

...Petitioner

Versus

Inderjit Singh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Joginder Pal Devgan, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 09.03.2017, passed by Civil Judge (Jr. Division), Phillaur, whereby application filed by respondent No.1/plaintiff seeking permission to prove agreement to sell dated 12.01.2011, has been allowed.

Learned counsel for the petitioner has urged before this court that the trial court has erred in allowing the application for leading secondary evidence. According to him, no permission can be granted to lead secondary evidence on the basis of alleged agreement.

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

It appears, respondent No.1 filed a suit for joint possession by way of specific performance of agreement to sell dated 12.01.2011

regarding land measuring 34 Kanals, situated in village Uppal Khalsa, District Jalandhar, and also for permanent injunction restraining defendants from alienating the suit property as well as for recovery of Rs.50.00 lacs. During pendency of suit, respondent No.1/plaintiff filed instant application for secondary evidence in order to prove contents of agreement to sell dated 12.01.2011, stating that existence of the document, sought to be proved by way of secondary evidence, cannot be denied. Trial court has allowed the application. I find no infirmity with the order. Case is still pending for plaintiff's evidence and defendants have ample opportunity to take their pleas and cross-examine the witnesses. Thus, the trial court has not committed any error in allowing the plaintiff to lead secondary evidence. However, evidentiary value of the document shall be examined by the trial court as per law.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 07, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No