

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.556 of 2017
Date of decision:27.1.2017**

Gurvinder Singh

...Petitioner

Versus

Manraj Singh @ Manrose Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.J.S.Santwal, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present civil revision petition, at the hands of defendant, is directed against the order dated 2.11.2016 (Annexure P-7) passed by the learned trial Court, whereby the application moved by the plaintiff-respondent, seeking permission of the Court to lead secondary evidence in respect of Family Settlement dated 17.3.2008 was allowed.

Heard learned counsel for the petitioner.

It is a matter of record that document in question in the form of Family Settlement (Compromise) dated 17.3.2008 was produced by the plaintiff, before the police authorities of Police Station, Morinda in FIR No. 67 dated 6.5.2008. While leading his affirmative evidence, plaintiff-respondent produced PW-3 HC Manmohan Singh, who deposed before the Court that the original compromise has been destroyed with the order of Senior Superintendent of Police, Rupnagar. He further deposed that Application No.220 dated 15.4.2008 along with its enquiry report and documents annexed thereto have been destroyed by the order of Sr. Superintendent of Police, Rupnagar.

A bare reading of the above-said impugned order would make it crystal clear that existence of the original documents as well as destruction thereof by the police authorities has been duly proved on record. Once these two basic facts have been proved, the only option left with the plaintiff-respondent was to move the application for secondary evidence and that is what he did and the learned trial Court was well within its jurisdiction to allow the same by passing the impugned order. Having said that, this Court feels no hesitation to conclude that the learned trial Court committed no error of law, while passing the impugned order and the same deserves to be upheld.

The judgments, relied upon by the learned counsel for the petitioner in **Hariom Agrawal Vs. Prakash Chand Malviya, 2007 (4) RCR (Civil) 548** and **Gunit Sidhu and another Vs. Bhai Shaminder Singh (since deceased), 2009 (3) RCR (Civil) 648**, have not been found to be of any help to the petitioner, being distinguishable on facts. It is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of even one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmasundara Rao (Dead) Vs. State of Tamil Nadu and others, 2002 (3) SCC 533**, **Union of India Vs. Amrit Lal Manchanda and others, 2004 (3) SCC 75**, **State of Orissa Vs. Md. Illiyas, 2006 (1) SCC 275** and **State of Rajasthan VS. Ganeshi Lal, 2008 (2) SCC 533**.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out

Resultantly, with the above-said observations made, the present revision petition stands dismissed, however, with no order as to costs.

27.1.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No