

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.7062 of 2017
Date of decision : 11.10.2017

Maya Devi

...Petitioner

Versus

Shila Devi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Wazir Singh, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.1 is in revision petition against the order passed by the trial Court permitting the plaintiff to lead secondary evidence with respect to the *Panchayati Faisla* (settlement by the respectable members of the family) dated 26.12.2011.

Learned counsel for the petitioner has very vehemently argued that defendant No.1-petitioner had denied the existence of such document. He has further submitted that it has been wrongly asserted by the plaintiff that the original document is in possession of defendant No.1-petitioner.

I have considered the submissions of the learned counsel. The trial Court has only allowed the application for permission to lead secondary evidence. It would be for the plaintiff to prove the existence of the document and loss thereof. This is pre-condition for leading secondary evidence.

I have seen the photocopy of the settlement dated 26.12.2011. The aforesaid document appears to have been signed by almost 20 persons including the Sarpanch and members of the Panchayat Samiti. In the present case, the trial Court has given detailed reasons as to why the application for permission to lead secondary evidence is being allowed. The reasons given by the trial Court are not found to be erroneous.

In view thereof, the revision petition is dismissed subject to the observation that the plaintiff would be required to prove the existence and loss of the document.

11.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No