

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

**CR No.7658 of 2017 (O&M)
Date of Decision:7.11.2017**

Raj Singh

...Petitioner

Versus

Harbhajan Singh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Karan Choudhary, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-petitioner is in revision petition against the order dated 20.7.2017. Plaintiff-petitioner had filed an application for permission to lead secondary evidence so as to prove affidavit dated 12.5.2010.

The only assertion in the application is extracted as under:-

“That, the original affidavit dated 12.05.2010 has been lost somewhere and the photocopy of the same is attached with this application. The same is very much necessary to prove it for the main controversy between the parties.”

Learned trial court dismissed the application on the ground that such affidavit is neither pleaded nor any foundation has been laid to seek permission of the court to lead secondary evidence.

I have heard learned counsel for the petitioner at length and with his able assistance gone through the pleadings filed by the parties.

Annexure P-1 is a copy of the plaint of the suit filed by the plaintiff. A reading thereof would show that the affidavit has not been even referred to. Still further, plaintiff has failed to produce anything to prove that the proper foundation was laid for moving an application for permission to lead secondary evidence.

Taking into consideration the aforesaid facts, this Court does not find any good ground to interfere with the impugned order passed by the court below.

Civil Revision petition is dismissed.

7.11.2017
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No