

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 930 of 2017

1. Smt. Sadhna Jain, W/o. Pradeep Jain, Aged About 57 Years.
2. Pradeep Jain, S/o. Panchamlal Jain, Aged About 60 Years.

Both R/o. E.W.S. (Ground Flour) Block 14/12 Kosanagaar Ward Ke
Kosanagar Sasta Bhavan Awasiya Yojna Bhilai, Tahsil & District Durg,
Chhattisgarh

Defendants

---- **Petitioners**

Versus

Smt. Geeta Soni, W/o. Purshottam Soni, Aged About 45 Years, R/o.
E.W.S. (First Flour) House No. 14/12 & 14/13, Kosanagar Ward Ke
Kosanagar Sasta Bhavan Awasiya Yojna Bhilai Tahsil & District Durg
Chhattisgarh.(Plaintiff)

---- **Respondent**

For Petitioners : Mr. Vikash A. Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.01.2018

Heard

1. The instant petition is against the part of the order dated 28.08.2017 wherein the application to lead secondary evidence filed by the petitioners/defendants was dismissed.
2. Perusal of the order dated 28.08.2017 would show that before leading the evidence, nothing has been placed on record before the Court below to show that the original evidence available cannot be procured and out of the jurisdiction of the Court. The application appears to be too vague, nothing has been disclosed to invoke the power under Section 65 of the Evidence Act to allow to lead the secondary evidence. The relief which has been

claimed is not covered within the ambit of the Section 65 of the Evidence Act. Consequently, no illegality can be attributed to the order dated 28.08.2017 whereby an application to lead secondary evidence was dismissed. The petitioner shall be at liberty to move an appropriate petition to prove the documentary & electronic evidence, if so advised.

3. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge