

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

**CR No.1237 of 2018 (O&M)
Date of decision : February 22, 2018**

Sat Parkash

..... Petitioner

Versus

Usha and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sumit Gupta, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner is aggrieved of the order dated 05.02.2018 (Annexure P-5) passed by learned Addl. Civil Judge (Sr. Divn.), Samalkha, District Panipat, whereby the application filed by the defendant for permission to lead secondary evidence regarding the family settlement has been allowed.

Heard.

It is contended that the existence of the document, which was sought to be produced by way of secondary evidence, is not proved. Therefore, the compliance of Section 65 of the Indian Evidence Act, 1872, is not made out.

A perusal of the impugned order shows that the family settlement has been pleaded in the written statement. Therefore, the trial court held that the secondary evidence can be allowed.

The only grouse of the petitioner is that the existence of the document is not proved.

In these circumstances, the present revision petition is disposed of with a direction that the opposite party shall also lead evidence regarding the existence of the document with the main case. If existence and loss of the document is proved, only then the secondary evidence will be admitted, otherwise, the same will be discarded.

(KULDIP SINGH)
JUDGE

February 22, 2018

sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No