113 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision-2058-2016(O&M)
Date of decision : 16.11.2018

Sushil Kumar(now deceased) through LRs .....Petitioners

versus

Inderjit Kohli and others ..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

****

Present: Mr. Rohit Ahuja, Advocate for the petitioner.

Mr.D.S.Sandhu,Advocate for respondent No.1.

****

AJAY TEWARI, J. (ORAL)

This petition has been filed against the order dated 10.02.2016 of the Rent Controller, Kapurthala allowing the respondent-landlord to produce secondary evidence of the rent note dated 05.01.1994/05.09.1994. The application was filed in the year 2016 and the averment made was that the document was lost in the year 2014 and consequently prayer was made to permit the landlord-respondent to place photocopy on record. Prayer having been allowed, the petitioner-tenant is before this Court.

The contention of learned counsel is that the alleged rent note was unregistered and not stamped whereas it was a document which was compulsorily registrable. As per him, even the original document could not be read into evidence (except for collateral purposes) and consequently permission to lead secondary evidence of the same could not have been allowed. He has relied upon **Hari Singh vs. Shish Ram** reported as 2002(3) PLR 538 and **Darshan Singh vs. Harbhajan Singh** reported as 2001(1) PLR 163, wherein this Court has held that secondary evidence of a

SUNITA NAGPAL
2018.11.21 10:25
I attest to the accuracy and
authenticity y of this document
Chandigarh

document which required registration cannot be allowed. Learned counsel for the respondent has not cited any contrary judgment.

In the circumstances the petition is allowed. The impugned order is set aside.

(AJAY TEWARI)
JUDGE

16.11.2018
sunita

SUNITA NAGPAL
2018.11.21 10:25
I attest to the accuracy and
authenticity y of this document
Chandigarh