

In the High Court of Punjab and Haryana at Chandigarh

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Civil Revision No.3592 of 2018

.....

Date of decision:28.5.2018

Sandeep Rana

.....Petitioner

v.

Ravi Kumar

.....Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Naresh Kaushal, Advocate for the petitioner.

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Inderjit Singh, J.

This civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 19.4.2018 passed by the learned Civil Judge (Junior Division), Kharar, and for dismissing the application for leading secondary evidence of the respondent.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that Ravi Kumar-plaintiff filed a suit against Sandeep Rana for possession of land measuring 7 Kanals 12 Marlas by way of specific performance of agreement dated 30.12.2016 and for permanent injunction etc. During the pendency of the suit, an application for permission to prove agreement to sell dated 30.12.2016 by way of proving its photo copy in secondary evidence was filed, which was allowed by the learned Civil Judge (Junior Division), Kharar, vide the impugned order dated 19.4.2018.

After hearing learned counsel for the petitioner and after going through the record, I find that DDR No.36 dated 15.4.2017 was got registered at Police Station Palsora, U.T., Chandigarh by the plaintiff regarding the loss of original agreement to sell and other documents. As per the plaint dated 17.3.2017, these documents are stated to have been lost during the pendency of the suit. The copy of the DDR *prima facie* shows the loss of the documents. Further the plaintiff examined Stamp Vendor Nishi Kant to prove the agreement to sell dated 30.12.2016. From the copy of the DDR, copy of agreement as well as from the statement of Stamp Vender *prima facie* the existence of the document has also been shown. The plea of the present petitioner that this document is forged and fabricated is to be determined by the lower Court on the basis of evidence produced by both the parties. This finding of fact, at this stage, cannot be given by this Court.

Keeping in view the above facts, I find that the impugned order dated 19.4.2018 passed by the learned Civil Judge (Junior Division), Kharar, allowing the application for leading secondary evidence is correct as per law and no illegality has been committed by accepting the same, which does not require any interference from this Court and the same is upheld.

Finding no merit in this civil revision petition, the same is accordingly dismissed.

May 28, 2018.

(Inderjit Singh)
Judge

hsp

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NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No