

In the High Court of Punjab and Haryana at Chandigarh

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CR No. 6993 of 2015 (O&M)
Date of decision: 14.12.2018

SURJIT SINGH

.....petitioner

Versus

SHINDER PAL KAUR AND OTHERS

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Navjot Singh, Advocate,
for the petitioner.

Mr.P.S.Miglani, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(oral)

Petitioner has assailed the order dated 6.8.2015 passed by Civil Judge (Sr.Divn.) Sangrur, vide which application under Section 65 of the Indian Evidence Act for leading secondary evidence was dismissed.

Perusal of the record would show that an application under Order 11 Rule 14 CPC was filed by the plaintiff-petitioner for issuance of directions to defendant No.1 to produce original agreement to sell. The application was dismissed on 8.9.2014 and the said order was never assailed by the petitioner in any forum. Since the said order has become final, defendant No.1

was not found in possession of original agreement to sell, therefore, petitioner cannot be allowed to lead secondary evidence on the plea that original agreement to sell is in possession of defendant No.1 for which he can lead secondary evidence.

No indulgence can be granted in this revision petition, the same is accordingly dismissed.

December 14, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No