

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

CR No.7838 of 2018 (O&M)
Date of decision : 12.03.2019

Raghubir Singh

...Petitioner

Versus

Avtar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ranjit Sharma, Advocate for the petitioner.

Mr. A.P.S. Sandhu, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Application for permission to lead secondary evidence with respect to a certified copy of the registered sale deed has been rejected by the Court, although it is undisputed that the certified copy of the sale deed is part of the record and exhibited.

This Court had occasion to consider the practice of seeking prior permission to lead secondary evidence. In a case decided by the Court vide **RSA No.327 of 1989, titled as Madan Lal Vs. Shankar and others, decided on 01.11.2018**, it was found that the practice of seeking prior permission to lead secondary evidence is not supported by the statutory provision. It has been held that the Court while examining the secondary evidence is entitled to grant permission and take evidence which has been led into consideration.

Accordingly, the present revision petition is disposed of with direction to the trial Court to decide the question of admissibility of secondary evidence at the time of final arguments and the secondary evidence if found admissible shall not be kept out of consideration on the ground that prior permission of the Court has not been sought.

12.03.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No