

CR No.4190 of 2019

Date of Decision: 10.07.2019

Gurmukh Singh

.....Petitioner

Versus

Kulvir Singh

.....Respondent

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**Present: Mr. J.K. Singal, Advocate  
for the petitioner.**NIRMALJIT KAUR, J. (ORAL)**

The present revision petition has been filed against the order dated 06.05.2019 passed by the Civil Judge (Junior Division), Phul (for short, the trial Court), vide which, the defendant has been allowed to lead secondary evidence qua the Will dated 02.05.1998 on the ground that the same has been misplaced by the Patwari.

Learned counsel for the petitioner at the outset restricts his prayer only to the extent that before the petition is allowed to lead the secondary evidence, the respondent must show evidence to the effect that the said original Will dated 02.05.1998 was indeed lost.

It is a well settled proposition of law that the secondary evidence qua a lost document can be permitted, subject to the defendant proving the factum of its lost. Therefore, it goes without saying that the same procedure will be followed.

Disposed of accordingly.

**(NIRMALJIT KAUR)**  
**JUDGE****10.07.2019***sandeep*

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No