

CR No.4857 of 2019
Date of Decision: 17.08.2019

Manjit Kaur and another

....Petitioners

Versus

Parminder Kaur and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Hem Raj Kapil, Advocate
for the petitioners.

NIRMALJIT KAUR, J. (ORAL)

The present revision petition has been filed against the order dated 06.07.2019, passed by the Civil Judge (Junior Division), Barnala (for short, the trial Court), vide which, liberty has been granted to the defendants to lead their secondary evidence.

Learned counsel for the petitioners while praying for setting aside the order dated 06.07.2019 submitted that once their application seeking a direction to the plaintiffs/petitioners to admit the document was dismissed, no liberty could have been granted to lead the secondary evidence to prove the said document. It is further contended that it is only a photocopy being sought to be produced, which cannot be accepted unless they proved the existence and lost of the original document.

There is no dispute with the settled proposition of law that the same is a pre-requisite condition. However, the fact of its existence can only be proved after the parties are allowed to lead evidence to the said effect.

In view of the same, no ground is made out to interfere with the order dated 06.07.2019 passed by the trial Court.

Dismissed accordingly.

17.08.2019
sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No