

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

**CR No.5228 of 2019**

**Date of Decision : 29.08.2019**

**Santra**

**..... Petitioner**

**Versus**

**Shakuntala Devi**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. Rao Ajender Singh, Advocate  
for the petitioner.

**SUDIP AHLUWALIA, J. (ORAL)**

This revision is directed against the impugned order dated 16.07.2019 passed by the Ld. Civil Judge (Jr. Division) Rewari vide which the petitioner's application for permission to lead secondary evidence under Section 65 of the Evidence Act was dismissed.

2. The petitioner had sought to lead the evidence in respect of an alleged Agreement to Sell in favour of the respondent-plaintiff dated 01.09.2009. It, however, transpires that no reference to such Agreement had ever been made in the original written statement filed by the petitioner.

3. As such, the evidence she wanted to lead was altogether beyond her own pleadings. Viewed from this angle also, liberty to lead even the original Agreement, i.e., primary evidence could not have been apparently granted to the petitioner much less secondary evidence also of the same.

4. In view of the aforesaid observations, this Court finds no merit in the present revision and the same stands dismissed.

(SUDIP AHLUWALIA)  
JUDGE

August 29, 2019  
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Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No