

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

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CR No.2778 of 2021 (O&M)
DATE OF DECISION : 15th NOVEMBER, 2021

Harbans Singh

.... Petitioner

Versus

Harnek Singh and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ishan Cooner, Advocate for
Mr. J.S. Cooner, Advocate,
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 11.10.2021 (Annexure P-1) passed by the Civil Judge (Junior Division), Ambala.

A perusal of the order passed by the Court below shows that the Court has permitted the respondent to lead secondary evidence to prove the order dated 28.03.2003 passed by the DRO, Ambala in case No.46 titled as Mihan Singh Vs. Jai Singh; and also of the compromise, which is stated to be effected between the parties. Those proceedings were instituted before the DRO and in those proceedings, the compromise arrived at between the parties was placed on record. In the proceedings of the present suit, the respondent wanted to lead in evidence the said compromise. For that purpose, the Clerk of the office of DRO was summoned as a witness.

However, after taking several opportunities, the official of DRO office made the statement before the Court that the file of the said case was not traceable. In view of this fact, the respondent wanted to lead the photocopy of the compromise and uncertified copy of the order passed by the DRO as secondary evidence. Once, the respondent is debarred from proving the original of the document, which forms part of the record of a public authority, because the same is stated to be not traceable with that authority, the respondent had no alternate but to lead secondary evidence of the said document. Hence, the Court below has not committed any mistake or illegality in permitting the leading of the secondary evidence of that document; by the respondent.

Hence, finding no merit in the present petition, the same is dismissed.

15th NOVEMBER, 2021
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(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>