

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1624 of 2015 (O&M)
Date of decision: 21.09.2022

M/s Dhanpat Rai Gopal Dass and another

..Petitioners

Versus

Ranjit Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioners.

Mr. Ashwani Kumar Chopra, Sr. Advocate, with
Mr. Vidul Kapoor, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

An application filed by the respondents under Section 65 of the Indian Evidence Act, 1872 for permission to produce secondary evidence with respect to a sale certificate issued by the Government has been allowed. This revision petition has been filed challenging its correctness.

This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

After discussing the various provisions of the Civil Procedure Code, 1908, the Indian Evidence Act, 1872 and the High Court Rules and Orders, this court in **Vinod Kumar vs. Satbir Singh** (Civil Revision No.2575 of 2020, decided on 03.03.2021) and **Madan vs. Shankar and others** (RSA-327-1989 decided on 01.11.2018) has held that there is no provision for filing an application for permission to lead secondary evidence. The Bombay High Court, on 10.11.2017, while deciding Civil Revision application

No.82 of 2016, directed the trial courts to stop the practice of requiring applications for permission to lead secondary evidence, particularly when it is not supported by any provision of law. The Hon'ble Supreme Court in **Dhanpat vs. Sheo Ram, 2020 SCC Online SC 606**, has, also, held on similar lines.

Keeping in view the aforesaid position, the revision petition is dismissed. The trial court is directed to permit the respondents to lead evidence. After the evidence has been led, the Court shall firstly examine whether such evidence is primary or secondary? If it is found that the evidence led is secondary, then the Court shall further examine whether such evidence is admissible as per the parameters laid down in the Indian Evidence Act, 1872.

All the pending miscellaneous applications, if any, are also disposed of.

September 21, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*