

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1331 of 2017(O&M)

Date of decision: 12.07.2022

Jasmail Singh

...Petitioner

Versus

Kartar Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sherry K. Singla, Advocate, for the petitioner.
Mr. Ravish Bansal, Advocate and
Ms. Liza Bansal, Advocate, for the respondent.

ANIL KSHETARPAL, J (Oral)

The petitioner herein is a defendant in a suit for grant of decree of specific performance of the agreement to sell with the consequential relief of permanent injunction. An application filed by the plaintiff for permission to lead secondary evidence of the agreement to sell has been allowed as the plaintiff claims that Sh. Kaka Singh in connivance with the defendant had taken away the agreement to sell.

The trial Court after discussing the matter has permitted the plaintiff to produce the secondary evidence.

The learned counsel representing the petitioner contends that the agreement to sell was insufficiently stamped, therefore, its photocopy cannot be permitted as the secondary evidence.

On a Court question, he admits that the admissibility of the secondary evidence was never objected to in the courts below on this ground. While exercising the supervisory jurisdiction under Article 227 of the Constitution of India, it would not be appropriate for the Court to interfere in the order on a ground which was never pressed in the

proceeding in the Courts below.

Disposed of accordingly.

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

July 12, 2022
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(ANIL KSHETARPAL)
JUDGE

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