

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

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**C.R.No.6257 of 2018(O&M)
Date of decision: 06.07.2022**

Bal Krishan @ Rana and another

...Petitioners

Versus

Ashok Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. R.S.Dadwal, Advocate, for the petitioners.
Mr. Sukhjit Singh, Advocate, for respondent no.1 and 2.**

ANIL KSHETARPAL, J (Oral)

The petitioners herein are the defendants in a suit for separate possession by way of partition of the property filed by the plaintiffs (respondents).

The plaintiffs claim the property to be joint, whereas, the defendants claim that the property has already been partitioned vide a deed dated 28.03.1971.

During the pendency of the suit, the defendants filed an application for directing the plaintiffs to produce the original of the aforesaid deed of partition or in the alternative, permit them to lead secondary evidence. The plaintiffs took a stand that no such document ever existed and the same is not in their possession.

Now the only question is as to whether the prior permission of the court is required to give secondary evidence of the document which is a photocopy of the original in the present case?

The Hon'ble Supreme Court as well as this Court and the Bombay High Court have repeatedly, promoted the view that no such prior permission is required. Reference in this regard can be placed upon the

judgment passed in **Vinod Kumar vs. Satbir Singh**(Civil Revision No.2575 of 2020, decided on 03.03.2021).

Keeping in view the aforesaid facts, the revision petition is disposed of .

The petitioners shall be permitted to lead evidence and the Court, after appreciating the evidence, shall decide upon the question of its admissibility as secondary evidence while deciding the suit.

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

July 06, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No