

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

128

CR-3961-2022

Date of decision: 19.09.2022

Dharampal**...Petitioner****Versus****Shamsher Singh****...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Amit Kumar Jain, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 20.08.2022, passed by the trial Court, vide which the application filed by the respondent/plaintiff for leading secondary evidence has been allowed.

Learned counsel for the petitioner/defendant submits that in a suit for specific relief with possession, filed by the respondent/plaintiff, the petitioner/defendant has taken a plea that agreement to sell No. 226 dated 06.05.2013 was cancelled on the execution of a third agreement to sell and the same was destroyed. It is further submitted that now an application has been filed by the respondent/plaintiff to lead secondary evidence with regard to aforesaid agreement to sell No. 226, which according to the petitioner/defendant, was destroyed when the third agreement to sell was executed, however, the trial Court, while allowing the said application filed by the respondent/plaintiff, has made certain observations in para 9 of the impugned order, which will have bearing on the merits of the case.

After hearing learned counsel for the petitioner, the present petition is disposed of with a clarification that nothing observed in para 9 of

the impugned order shall have any bearing on the merits of the case and the fact that agreement to sell No. 226 dated 06.05.2013 was destroyed on the execution of third agreement to sell will be assessed independently by the trial Court, at the time of final adjudication of the case.

19.09.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No