

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6325-2024 (O&M)

Date of decision : 29.01.2025

Manoj Kumar

... Petitioner

Versus

Saroop Singh alias Sanjeev Jhorar

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vikas Kumar, Advocate for the petitioner.

Mr.Sandeep Jasuja, Advocate for the respondent.

VIKAS BAHL, J.(ORAL)**CM-1668-CII-2025**

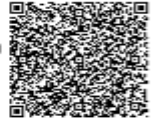
1. This is an application under Section 151 CPC for permission to place on record the Annexure R-1 and Annexure R-2.
2. Allowed as prayed for subject to just exceptions.

CR-6325-2024

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 06.09.2024 (Annexure P-7) passed by the Civil Judge (Sr.Div.), Fazilka, vide which the application (Annexure P-5) of the respondent-plaintiff under Section 65 of the Evidence Act for granting permission to prove lease agreement dated 12.01.2015 by leading secondary evidence has been allowed.
2. On 08.11.2024, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Present: Mr. Vikas Kumar, Advocate
for the petitioner.*

*Present petition has been filed by the petitioner
challenging the order dated 06.09.2024 (Annexure P-7),*



whereby the Court below has allowed an application for leading secondary evidence with respect to lease agreement dated 12.01.2015 (Annexure P-2) filed by respondent/plaintiff.

Learned counsel for the petitioner has argued that the said lease agreement was never registered despite the fact that it was required to be compulsorily registered and since the document itself is inadmissible in law, the entire exercise of leading secondary evidence qua the same would be futile. Learned counsel for the petitioner relied upon the judgment passed by this Court in case titled as Darshan Singh vs. Harbhajan Singh, 2001(1) RCR (Civil) 71 and the judgment passed by the Hon'ble Apex Court in the case titled as Vijay vs. Union of India, 2023 INSC 1030 and submits that the trial Court fell in error in allowing the said application.

Notice of motion returnable for 25.11.2024.

Since, the matter before the learned Trial Court is fixed for 11.11.2024 for leading the secondary evidence, the trial Court is directed to proceed in the matter in accordance with law but shall not permit the plaintiff to lead secondary evidence qua the agreement in the present case.

Considering the fact that this matter can be disposed of and the counsel undertakes to serve the respondent by way of Dasti as well, let this matter be shown in the urgent list.

The petitioner is also at liberty to serve the respondent through the counsel representing the respondent before the trial Court for the date fixed.

08.11.2024”

3. Learned counsel for the petitioner has submitted that the petitioner would be objecting to the exhibition of the said lease agreement dated 12.01.2015 on the ground of registration, admissibility, relevance as well as on the ground of non-proof of existence and loss. It is further

submitted that while allowing the said application, the said aspects have not



been kept open and the impugned order has been primarily challenged on the said aspect.

4. Learned counsel for the respondent has submitted that during the course of trial, the respondent-plaintiff will lead evidence to meet all the said objections, if raised and the said aspects would be considered at the time of final hearing.

5. Keeping in view the abovesaid facts and circumstances, the present petition is disposed of with the following observations/ directions:-

- i) It would be open to the respondent-plaintiff to tender into evidence the lease agreement dated 12.01.2015 at the time of leading his evidence.
- ii) It would be open to the petitioner to raise all the objections including the objections, which have been raised before this Court, at the time of tendering of the said document.
- iii) It would be open to both the parties to lead evidence in support of their respective pleas as well as in support of the aspects objected to.
- iv) The objection so raised would be considered at the stage of final arguments by the trial Court at the time of deciding the main suit after taking into consideration all the aspects / pleadings and evidence adduced on record.

(VIKAS BAHL)
JUDGE

January 29, 2025.
Davinder Kumar

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