



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-7320-2023

Date of decision : 26.02.2026

Renu Bala and others

... Petitioners

Versus

Jagtar Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ranjit Dhiman, Advocate
for the petitioners.

Mr.Kamal Kant Verma, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 16.10.2023 (Annexure P-8), vide which the application filed by the petitioners / defendants / counter claimants for leading secondary evidence with respect to documents already on record i.e., Mark DX-1 to Mark DX-3 (Mark D-1 to D-3) (Annexure P-10 to P-12), has been dismissed.

2. Learned counsel for the petitioners has submitted that in the present case it was the case of the petitioners that during the pendency of the case, family settlement dated 27.12.2006 had been entered into and on the basis of the same, counter claim was filed. It is submitted that in order to



show compliance of the terms of the said family settlement, certain documents (Annexure P-10 to P-12) were sought to be produced and evidence in support of the same has already been lead. It is submitted that an application was filed by the petitioners under Sections 63 and 65 of the Indian Evidence Act, although as per settled law, no application is required to be filed as the documents, which are already on record, are required to be considered by the trial Court at the stage of final arguments. It is further submitted that the petitioners have already led the evidence to show existence and loss of the original documents and all the ingredients for the said documents being considered in secondary evidence have been fulfilled. It is submitted that in the said circumstances, although no application was required but the application under Section 65 of the Indian Evidence Act was filed on which the impugned order was passed. It is submitted that the impugned order be set aside and the trial Court be directed to consider the said documents along with the evidence produced by the petitioners at the stage of final arguments de hors the observations made in the impugned order.

3. Learned counsel for the respondent, on the other hand, has submitted that no family settlement had ever taken place nor the said alleged family settlement is registered nor honoured even as per the terms of the said family settlement. It is submitted that in case the evidence and the three documents which the petitioners wish to rely upon in the secondary evidence is to be considered at the final stage, then, the objections raised by



the respondent/plaintiff with respect to the said three documents as also the fact as to whether the petitioners have been able to show existence and loss of the alleged original documents be also considered at the stage of final arguments. It is further submitted that the present suit was filed in the year 2005 and the same is now listed for 11.03.2026 and is stated to be at the fag end of the trial and the petitioners be directed not to seek unnecessary adjournments and the trial Court be directed to decide the case expeditiously.

4. Learned counsel for the petitioners has submitted that he has no objection to the said course of action.

5. Keeping in view the above said facts and circumstances and the fair stand taken on behalf of the petitioners as well as the respondent, the impugned order dated 16.10.2023 is set aside and the present revision petition is disposed of with the following observations / directions:-

i) It would be open to the petitioners to raise all pleas at the time of final arguments to show that the petitioners have been able to lead the necessary evidence to show existence and loss of the original documents and have also met the other requirements for the purpose of leading secondary evidence and for exhibition of the said documents.

ii) It would also be open to the respondent/plaintiff to highlight all objections and also to raise all pleas to show that the said documents should not be taken into consideration for

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the purpose of adjudication of the present case and should not be exhibited.

iii) The trial Court would consider the abovesaid aspects along with other aspects while finally adjudicating the matter.

iv) The present suit was filed in the year 2005 and it is stated that the case is now listed for 11.03.2026 and the trial is at the fag end, thus, the trial Court is requested to decide the same as expeditiously as possible and the counsel appearing before the trial Court are requested to fully assist the trial Court in expeditious disposal of the case and not to seek unnecessary adjournments.

(VIKAS BAHL)
JUDGE

February 26, 2026.
Davinder Kumar

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