

(2013) 08 P&H CK 0857

High Court Of Punjab And Haryana At Chandigarh

Case No: CR No. 4889 of 2013 (O and M)

Amarjeet Kaur

APPELLANT

Vs

Raghbir Singh and Others

RESPONDENT

Date of Decision: Aug. 16, 2013

Acts Referred:

- Evidence Act, 1872 - Section 65

Hon'ble Judges: K. Kannan, J

Bench: Single Bench

Advocate: R.S. Dhaliwal, for the Appellant;

Judgement

K. Kannan, J.

The application for reception of secondary evidence has been dismissed and therefore the petitioner is before this Court. This Court has set out a procedure to be followed when secondary evidence is sought to be given. There is not even a necessity of filing such an application. If a party gives any of the grounds set out u/s 65 of the Indian Evidence Act for non-production of the original and seeks for production of secondary evidence the Court shall receive the same and allow for the statement made by the witness to be cross examined. If it is elicited in the cross examination that there was no justification for production of secondary evidence the Court shall consider the same at the time arguments when the case comes to conclusion. It shall not be prejudged. This issue has been considered by this Court in Atma Nand (deceased) through LR Vs. Ram Sarup (deceased) through his L.Rs reported in 2012 (1) PLR 440, Dr. S.P. Arora Vs. Satbir Singh 2010 (5) RCR (Civil) 350 and [Simar Pal Singh Vs. Hakam Singh](#) . The impugned order is set aside. The civil revision is allowed dispensing with notice to the respondents, for, it is an issue of procedure which has been laid down through law already. There cannot be repeated breach of directions given by this Court, by the Courts below.