



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

120

CR-5802-2025

Date of decision :27.08.2025

BABA SHARDHA NATH**... PETITIONER****VERSUS****GRAM PANCHAYAT AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Arpit Chawla, Advocate for
Mr. Ravinder Malik, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

Vide present revision petition, petitioner has challenged impugned order dated 14.08.2025 (Annexure P-7) vide which application moved by petitioner for leading secondary evidence to prove document dated 17.10.1991 was dismissed and evidence of petitioner was closed by order, noticing that petitioner has already availed 22 opportunities to lead evidence.

2. Learned counsel for the petitioner has argued that learned Court of first instance ought to have allowed secondary evidence as documents were photocopies of original and original is not traceable.

3. On consideration, it is clearly made out from impugned order dated 14.08.2025 that learned Court of first instance has concluded that petitioner has failed to prove loss of document i.e. application dated 17.10.1991, in order to prove it by way of secondary evidence. In order to appreciate conclusion drawn by learned Court of first instance, it is worth noticing that petitioner is claiming that application dated 17.10.1991 was written by villagers to SDM whereby responsibility to look after Temple and to look after construction of Temple was given to plaintiff-petitioner on



17.10.1991. It is, therefore, clearly made out that as per own case of petitioner, the document dated 17.10.1991 (in original) was sent to SDM, however, no effort was made to summon the records from the office of SDM or to show that letters were destroyed by the office of SDM. Unless loss of original record is shown, no secondary evidence can be allowed. None of the conditions as stipulated in Section 65 of Evidence Act, 1872 now Section 60 of Bharatiya Sakshya Adhiniyam, Act 2023 has been shown to justify secondary evidence.

4. In view of these facts, learned Court below has rightly concluded that plaintiff-petitioner is not entitled to lead secondary evidence as he has failed to prove the loss or any of the conditions mentioned therein.

5. Similarly, I do not find any error in the impugned order dated 14.08.2025 (Annexure P-7) vide which evidence of plaintiff-petitioner has been closed as petitioner-plaintiff has failed to conclude his evidence, despite availing 22 opportunities. The learned Court of first instance has duly noted down dates, on which effective opportunities were granted to plaintiff to lead his evidence. He was duly put to notice vide order dated 30.08.2025 when cost of Rs. 300/- was imposed upon him and final opportunity was granted to him to conclude evidence. However, despite repeated opportunities, no steps were taken by plaintiff.

6. No ground to interfere with the impugned order dated 14.08.2025 vide which evidence of plaintiff-petitioner has been closed and his application for secondary evidence was rejected is made out.

7. Dismissed.

27.08.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No