

2025:PHHC:078018



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-4904-2022

Date of Decision :02.07.2025

IQBAL SINGH

.... PETITIONER

Vs.

INDERPREET KAUR

.... RESPONDENT

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - None for the petitioner.

Mr.Vikas Prakash, Advocate, for
Mr.G.S. Virk, Advocate, for the respondent.

DEEPAK GUPTA, J. (ORAL)

Nobody is putting appearance on behalf of the petitioner. This Court has perused the paper-book.

2. Order dated 08.08.2022, passed by the learned Civil Judge (Junior Division), Ludhiana, has been assailed by the petitioner by way of this petition filed under Article 227 of the Constitution of India, whereby an application moved by the defendant (*petitioner herein*) under Section 65 of the Indian Evidence Act, 1872, seeking permission to prove an agreement to sell dated 09.09.2006 by way of secondary evidence, was declined.

3. It will be relevant to reproduce the impugned order dated 09.09.2006, passed by the trial Court, which reads as under: -

1. Heard on application U/s 65 of Indian Evidence Act, 1872 moved by defendant submitting that there was one agreement to sell dt.09.09.2006, which is not in his possession and he is having only its photocopy and requested further to permit him/defendant to lead secondary evidence of the same.

2. Per contra, plaintiff has objected the maintainability of the application alleging that said agreement is a forged and fabricated document, which defendant fabricated to receive plaintiff. Submitting further that there is no report about loss of alleged agreement in original or where it was lost, plaintiff requested to dismiss the application.

3. After considering rival arguments and perusing the file, it can be seen from bare perusal of the application that nothing is mentioned by the defendant as to where alleged agreement gone and there is not even iota of fact that if it was lost and where and when it was lost. The application is completely silent as to where in the whole world, said agreement was ever lying and where it had gone. So no ground is made out to grant such permission, the contents of application being not in consonance with contents of section 65 of Indian Evidence Act, 1872. Accordingly application is dismissed and disposed off. The case is now adjourned to 12.08.2022 for defendant evidence, subject to last opportunity.

4. It is evident from the aforesaid order that the petitioner-defendant wanted to produce an agreement to sell by merely producing the photocopy thereof. As observed by the trial Court, nothing was mentioned in the application as to where the original agreement had gone. There was no pleading to the effect that the original agreement was lost or if so, where and when it was lost. The application was completely silent about the aforesaid aspects.

5. This Court does not find any flaw in the reasoning given by the trial Court in rejecting the application

6. Holding the present petition to be devoid of any merit and in the absence of any perversity and illegality, the same is hereby dismissed.

(DEEPAK GUPTA)

JUDGE

02.07.2025

Vivek

Whether speaking/reasoned	: Yes
Whether reportable	: No