

PRABHAT SRIVASTAVA Vs. K K SRIVASTAVA

13.09.2024

Pr: Sh. Prabhat Ranjan, Id. Counsel for the plaintiff with plaintiff.

Sh. Ashutosh Mishra and Sh. Ramesh Singh, Id. Counsels for the defendant with defendant.

An application under Order VIII Rule 1A CPC filed on behalf of defendant, copy supplied. Perusal of record reveals that an application u/sec. 65 Indian Evidence Act is pending adjudication.

Arguments heard. Record perused and considered.

By way of present application, plaintiff is praying for the permission to exhibit the secondary evidence of documents which had allegedly being executed by defendant in favour of wife of plaintiff. It is submitted in the application that the said documents executed by defendant in favour of wife of plaintiff are under the possession and power of defendant. It is perused from the WS of defendant that he is denying the execution of said document, due to this reason, it cannot be presumed that these documents have been executed or are in possession of defendant. It is the plaintiff who needs to prove the documents upon which he is relying and defendant is denying.

In view of the above said discussion, this court is of the opinion that present application u/sec. 65 Evidence Act deserves to be dismissed. *Accordingly the application u/sec. 65 Evidence Act is hereby dismissed and disposed off.*

Put up with the connected matter on 15.10.2024.

(Pooja Jain)
District Judge-03
Court Room No. 206, N/B
East District, KKD Courts
Delhi. 13.09.2024