

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-12710-2014
Date of decision:19.10.2015**

M/s Anmol Tractors Kurukshetra through its registered partner
...Petitioner

Versus

Sanjeev Kumar
...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Arvind Bansal, Advocate for the petitioner.
Mr.Sushil Bhardwaj, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks quashing of order dated 7.3.2014 (Annexure P-4), whereby his application under Section 311 Cr.P.C., seeking to tender attested copy of partnership deed and certificate of registration in his evidence was dismissed by the learned trial Court.

Notice of motion was issued. But no reply has been filed by the respondent.

Learned counsel for the petitioner submits that petitioner is not going to examine any witness. The only limited prayer made by the petitioner was to permit him to place on record attested copy of partnership deed and certificate of registration of the complainant-petitioner firm. He also submits that petitioner is ready to pay the reasonable costs to the respondent.

On the other hand, learned counsel for the respondent submits that a serious lacuna was sought to be filled by the petitioner, which is not permissible. He also submits that all these documents were well within the knowledge and possession of the petitioner from day one. In such a situation, the impugned order deserves to be upheld. He prays for dismissal of the present petition.

Having heard the learned counsel for the petitioner and after careful perusal of the record of the case, this Court is of the considered

opinion that since no prejudice is going to be caused to the respondent, by allowing the petitioner to tender in his evidence the attested copy of partnership firm and certificate of registration, as prayed by the learned counsel for the petitioner, instant petition deserves to be accepted, however, on payment of reasonable costs to the respondent.

In fact, no serious lacuna, as alleged, is sought to be filled by the petitioner. Although, it is true that documents sought to be tendered were in the knowledge and possession of the petitioner, yet since tendering of these documents is not going to cause any prejudice to the complainant-respondent, it is just and expedient to permit the petitioner to tender these documents. It is so said, because no litigant should be forced to go home with a grouse that he was not granted full opportunity to plead his case, particularly when no serious prejudice is going to be caused to other side and can be compensated with reasonable costs.

In view of the above and without commenting anything further on merits of the case, at this stage, lest it should prejudice the rights of either of the parties, the instant petition is allowed. The order dated 7.3.2014 passed by the learned trial Court is set aside. One more opportunity is granted to the petitioner to tender his two documents namely attested copy of partnership firm and certificate of registration in his evidence, however, subject to payment of Rs.25,000/- to the respondent-accused. The costs shall be paid by the petitioner to the respondent before the learned trial Court and only thereafter one more opportunity shall be granted to the petitioner to tender his above-said documents in his evidence.

With the above-said observations made and directions issued, the present petition stands disposed of.

19.10.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE