

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 4968 of 2014

Date of Decision: 04.02.2016

M/s Pritam Rice & General Mills

... Petitioner(s)

Versus

M/s Guru Nanak Traders Commission Agents

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Kanwaljit Singh, Senior Advocate
with Mr. Ajaivir Singh, Advocate
for the petitioner(s).

Mr. Amit Dhawan, Advocate
for the respondent.

Shekher Dhawan, J.

Present petition is challenge to the order dated 29.5.2014 passed by learned Additional Civil Judge (Senior Division), Nakodar, whereby application for placing on record the document i.e. compromise deed was dismissed despite the fact that on 28.3.2014, Lakhwinder Singh (DW.1) has stated this fact in his affidavit.

Learned counsel for the petitioner submitted that the Court below totally ignored the fact that compromise was required to be produced on the file but the said compromise was not permitted to be taken on the record without any reason or justification and the said order be set aside.

Learned counsel for the respondent submitted that compromise is just a bogus and forged document and the Court below has rightly dismissed the application.

Having considered the submissions made by learned counsel for the parties and taking into consideration the order passed by the Court below, this Court is of the considered view that controversy in the matter is very short and simple. At the time of defendant's evidence, Lakhwinder Singh (DW.1) tendered into evidence his affidavit Ex.DW.1/A, thereby taking a plea that proforma defendant Amarjit Kaur entered into compromise with him and adjusted a sum of ₹ 8,70,793/-. However, no such compromise was placed on record by the said witness. Thereafter, application was filed by the present petitioner to produce on file the said compromise along with additional evidence and that was declined. One fail to understand that how such a plea for placing on record the compromise was refused by the Court below vide order dated 29.5.2014. It was for the Court to consider the nature of the document whether the same is genuine or fake document. But there was no reason for denial of such a document to be taken on record. As such, present petition is accepted and order dated 29.5.2014 stands set aside. However, it is made clear that it shall be open for the Court below to decide the genuineness of the document after hearing both the parties.

(Shekher Dhawan)
Judge

February 4, 2016

"DK"