

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-7672-2014 (O&M)

Date of Decision:-17.05.2016

Palwinder Singh @ Pappu

...Petitioner

Versus

Gurmail Singh and another

...Respondents

CORAM: HON'BLE MR.JUSTICE SHEKHER DHAWAN

Present:- Ms. Puja Chopra, Advocate,
for the petitioner.

Mr. Gaurav Chopra, Advocate,
for the respondents.

SHEKHER DHAWAN, J.

Present petition is challenge to the order dated 09.10.2014 passed by Civil Judge (Jr. Div.), Ludhiana whereby application for additional evidence to produce on file certified copy of judgment dated 18.05.2009 passed by the Court of Civil Judge (Jr. Div.), Ludhiana; copy of judgment dated 18.05.2009 passed by Additional District Judge, Fast Track Court, Ludhiana and certified copy of the judgment dated 28.09.2012 passed by this Court, was dismissed.

As per statement of counsel for the petitioner, the application was declined by the Court below without any justifiable grounds.

Learned counsel for the respondents while opposing the contention of learned counsel for the petitioner mainly submitted that both the parties had led their respective evidence earlier and the case was at the final stage i.e., for rebuttal evidence and arguments. Had there been any due diligence on the part of counsel for the petitioner at the initial stage, such an

order would be placed on file at the earlier stage as well. So, it is not a case for allowing the application for additional evidence. The present petition to set aside the order dated 09.10.2014 is devoid of any merits.

Having considered the rival submissions made by learned counsel for the parties and considering all the facts, this Court is of the considered view that both the parties have led their respective evidence and thereafter, the petitioner wanted to produce on file copies of judgments and orders passed by the Courts as the same relates to the earlier litigation between the same parties and in case the petitioner is allowed to produce these documents on record, it would certainly help the Court while reaching the right conclusion while deciding the matter. But certainly, there was some delay in filing the application for leading additional evidence for which the other party can certainly be compensated by way of payment of costs.

Resultantly, the present petition is accepted and order dated 09.10.2014 is set aside subject to payment of Rs.5,000/- as costs. It is made clear that petitioner shall tender the copies/certified copies of the judgments and orders as per statement of counsel for the petitioner before the Court below in single adjournment.

May 17, 2016
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(SHEKHER DHAWAN)
JUDGE