

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.128

CR No.3881 of 2017
DECIDED ON: May 26, 2017

M/S ADITI INTERNATIONAL AND ANOTHER

..PETITIONERS

VERSUS

M/S SARASWATI ENTERPRISES AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gaurav Deep Goel, Advocate,
for the petitioners.

JASPAL SINGH, J. (ORAL)

Challenge in this revision petition is to the order dated April 27, 2017 (Annexure P-10) passed by learned Civil Judge (Jr. Divn.) Panipat, whereby an application for additional evidence filed by the petitioners has been dismissed.

2. Undisputably, during the course of her evidence, Ms. Preeti Singla, proprietor of M/s Aditi International filed her affidavit to be read in evidence as examination-in-chief on September 09, 2016 and in para No.11 thereof, a specific reference was given with regard to production of various documents i.e cheques, bank memos, legal notices, postal receipts, unreturned envelopes, bills and statement of account i.e. Ex.P-1 to Ex. P-17. At that time, these documents could not be placed on record along with affidavit. Subsequently, an application for production of those documents was moved by the petitioners-plaintiffs but that was declined vide impugned order dated April 27, 2017.

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3. Here it would be pertinent to mention that the entire case of the petitioners/plaintiffs is based upon the aforesaid documents, which are material in nature and would clinch the matter in controversy between the parties. In the absence of production of aforesaid documents as well as proof thereof, the petitioners-plaintiffs are likely to be greatly prejudiced, whereas other party is not going to suffer in any way especially in the circumstances, that it shall have an opportunity to cross-examine the witness with regard to above referred documents. Declining of the production of aforesaid documents by the learned trial court vide impugned order dated April 27, 2017 does not appeal to reason and is unjustifiable. Otherwise also, the documents in question are necessary for the proper and effective adjudication of the matter in controversy between the parties.

4. Thus, without expressing any opinion on the merit with regard to legality of the impugned order dated April 27, 2017, instant petition is disposed of with the direction to trial court to afford an opportunity to the petitioners/plaintiffs for the production of aforesaid documents by way of re-calling Ms. Preeti Singla, to examine and cross-examine her in respect of the documents. The respondents/defendants shall also be afforded an opportunity to cross-examine the aforesaid witness particularly with regard to documents to be produced on record.

5. However, as the revision petition has been disposed of in the absence of the respondents-defendants, in case, they feel so aggrieved of this order, they shall be at liberty to approach this court.

May 26, 2017

Ankur

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**

**(JASPAL SINGH)
JUDGE**