

In the High Court of Punjab and Haryana at Chandigarh

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CR No.8053 of 2015 (O&M)

Date of decision: 7.11.2017

DEEPAK SINGH

.....petitioner

Versus

M/S HERO CYCLES LIMITED

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.V.K.Sachdeva, Advocate,for the the petitioner.

Mr. Piyush Jain, Advocate for the respondent.

RAJ MOHAN SINGH, J.(oral)

Petitioner has assailed the order dated 7.11.2015 passed by Civil Judge (Sr.Divn.) Ludhiana, vide which the application filed by defendants No.2 and 3 in terms of Order 13 Rules, 1, 3 and 7 CPC was disposed of.

At the time of issuance of notice of motion on 30.11.2015, the following order was passed:-

“The petitioner states that he has a very strong case to contend and argues with vehemence about how the court has allowed for a copy of an agreement to be filed without the original having been filed along with the plaint as required under Order 7 Rule 14 CPC. His grievance is that the court has also failed to note the deletion of the Order 13 Rule 2 CPC itself which has the effect of mandating the party to

file all the documents on which a party wants to place his reliance along with the suit and the late production is impermissible.

As much as I am convinced about the strength of the contention with which the case is presented, I still hold that there is no warrant for causing any delay in progress of trial. The counsel says that the case is posted for cross-examination of the plaintiff today and unless the defendant is given a reprieve from carrying on with the examination by a court order, the very purpose of filing the civil revision will be rendered ineffective. The civil revision will consider the effect of delayed production but there is no warrant for supposing that the defendant will also have time to rest his oars, as it were and to obstruct the smooth sailing of the case. Whatever justification would be, nothing will be beyond the powers of court to correct any injustice that may be caused by forcing the defendant to carry on with the trial with the additional documents produced by the plaintiff. This court will address the manner of how the document could be treated and the effect of evidence brought about it at the time of disposal of the revision petition. The progress in trial shall be the priority. The

prayer for stay is declined.

Notice of motion for 02.02.2016.

Notice through counsel appearing on behalf of the respondents before the court below is also permitted.”

Trial Court was directed to proceed with the trial by giving priority to the present case.

Both the parties are ad idem that the trial Court has reached at the stage of final adjudication of the lis after conclusion of the evidence of the parties. Vide order dated 15.9.2017, the trial Court was directed to adjourn the proceedings beyond the date fixed by this Court.

Both the parties are in agreement that the factum of relevancy and effect of late production of the agreement would be decided by the trial Court before final adjudication of the suit. To this extent, the trial Court shall adhere to the aforesaid arrangement in accordance with law.

The present petition is disposed of accordingly.

November 07, 2017
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No