

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CR-238-2018

Date of Decision:01.03.2018

Smt. Gurdial Kaur

.....Petitioner

Versus

Food Corporation of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. G.L. Bajaj, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition under Article 227 of the Constitution of India seeking quashing of order dated 06.12.2017 (Annexure P-5) passed by learned Civil Judge (Jr. Divn.) Bathinda, whereby an application filed by the respondents-defendants to produce and exhibit various penalty orders passed against deceased Khushal Singh (husband of present petitioner) by way of additional evidence by examining the official witness, was allowed.

Learned counsel for the petitioner has argued that various penalty orders being so adduced were already in the knowledge of the respondents-defendants, as the orders were passed by Food Corporation of India itself. In case the defendants are allowed to produce and exhibit these documents, it will adversely affect the suit filed by the petitioner-plaintiff.

I have heard the learned counsel for the petitioner.

Issuance of documents sought to be produced at this stage are

not in dispute. The documents penalties orders/chargesheets etc. were passed by the Food Corporation of India during the service period of Kaushal Singh (deceased), husband of the plaintiff. Thus, the documents sought to be produced have been issued by the authorities, and are not mentioned by the petitioner-plaintiff while filing the plaint, this Court finds that no prejudice is going to be caused to the petitioner-plaintiff if these documents are produced on record by the defendant-Corporation. The petitioner has not made any reference of these documents in the plaint despite their existence.

Dismissed.

However, in case the documents so adduced by the respondents-defendants are exhibited, the petitioner-plaintiff shall have an opportunity to rebut the same by leading evidence.

March 01, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No