

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.4671 of 2010 (O&M)

Date of decision: 29.11.2018

M/s Balwant Lal Ashok Kumar

..... Appellant

Versus

Agro Chem. Punjab Ltd. and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Bhupinder Banga, Advocate, for
Mr. Mansur Ali, Advocate
for the appellant.

Mr. Amit Jhanji, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

It is strange that both the Courts have dismissed the suit filed by the plaintiff-partnership firm only on the ground that the partnership firm is not registered. It is not disputed that before the trial Court itself, the application for permission to lead additional evidence was filed so as to produce evidence to prove that the plaintiff-partnership firm is registered. Learned trial Court did not even decide the aforesaid application. Learned First Appellate Court has not bothered to look at the file and see whether application for additional evidence has been decided or not. Hence, the judgments passed by both the Courts are set aside. The application for additional evidence is allowed. The plaintiff would be permitted to prove that it is a registered firm. Thereafter, the trial Court would proceed with the matter afresh.

Appeal is disposed of.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

The parties through their counsel are directed to appear before the trial Court on 11.01.2019.

29.11.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No