

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

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**CRM-M-13632 of 2018 (O&M)
Date of Decision: 07.02.2019.**

Harbhajan Kaur and another

....Petitioners.

Versus

State of Punjab and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Amandeep Saini, Advocate for the petitioners.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Mr. P.S. Walia, Assistant Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') is for quashing of impugned order dated 28.02.2018 passed by learned Additional Sessions Judge, Kapurthala, whereby application filed by the petitioners for production of judgment and decree dated 24.02.2014 passed by learned Civil Judge (Senior Division), Kapurthala and judgment dated 06.08.2015 passed by learned Additional District Judge, Kapurthala, was dismissed, solely on the ground that the said application had no mention that judgment and decree dated 24.02.2014 and the judgment dated 06.08.2015 were relevant and necessary for the just decision of the case.

Having considered the submissions made by learned counsel for the parties and having gone through the application under Section 391 Cr.P.C. filed by the petitioners before learned Additional Sessions Judge, Kapurthala, this Court is of the considered view that the applicant had taken the plea that judgment and decree dated 24.02.2014 and the judgment dated 06.08.2015 were delivered by the Courts of competent jurisdiction and the same were pertaining to the parties to the present litigation and as such, there was no dispute that the judgments and decree were relevant for the just decision of the case.

As regard to having attached the copies of said judgments and decree with the application, learned counsel for the petitioner contended that the petitioners were under impression that they would produce only after getting permission of the Court.

In view of the above, the present petition is accepted. The order dated 28.02.2018 is hereby set aside and the petitioners are allowed to tender the judgment and decree dated 24.02.2014 and the judgment dated 06.08.2015 before learned Additional Sessions Judge, Kapurthala.

However, it is made clear that only one adjournment shall be given and the aforesaid judgments and decree shall be tendered on the date fixed by learned Additional Sessions Judge, Kapurthala.

(SHEKHER DHAWAN)
JUDGE

07.02.2019
komal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No