

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1911 of 2020(O&M)
Date of decision: 06.07.2022

M/s Hardev Singh Dhanoa @ Company

...Petitioner

Versus

Malkiat Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Chopra, Advocate
for the petitioner.

Mr. S.S.Swaich, Advocate, for the respondent.

ANIL KSHETARPAL, J (Oral)

This revision petition is filed assailing the correctness of orders dated 25.09.2018 and 05.12.2019.

Some peculiar facts are required to be noticed.

The petitioner herein, is a plaintiff in a suit for recovery of Rs.2,71,765/-. On appearance, the defendant filed an application for directing the plaintiff to produce documents in order to enable him to file reply which was allowed vide order dated 25.09.2018, directing the plaintiff to supply photocopies of the documents, within 3 days. It is the case of the plaintiff that the documents were handed over to the learned counsel who unfortunately suffered heart attack and remained admitted in the hospital. In the meantime, the courts passed an order directing that the plaintiff is debarred from producing the said documents in the evidence on account of failure to comply with the directions regarding supply of its copies to the defendant. After recovery from the heart ailment, the counsel filed an

application for re-call of the previous order which has also been dismissed.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

The learned counsel representing the plaintiff contends that the photocopies of the documents could not be supplied due to the reasons beyond his control and the court should have been liberal in such a situation.

On the other hand, the learned counsel representing the respondent (defendant) submits that by now, he has already filed the written statement in absence of the said documents.

Keeping in view the facts of the case, this court is of the considered view that the interest of justice will be met if the plaintiff is permitted to supply the photocopies of the documents within week, from today, positively. On compliance being made by the plaintiff, the defendant would have another opportunity to file a new written statement/supplementary written statement/additional affidavit, within a period of one month thereafter.

Disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

July 06, 2022
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No