

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

CR-932-2020

Date of Decision: **-06.07.2023**

BARJINDER SINGH

... Petitioner

Versus

LABH SINGH AND ORS

... Respondents

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Naveen Batra, Advocate
for the petitioner.

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KARAMJIT SINGH, J. (Oral)

1. The present petition has been filed by the petitioner/defendant-Barjinder Singh against the order dated 24.1.2020 (Annexure P-6), whereby an application filed by the petitioner under Section 151 C.P.C. to place on record the certified copy of judgment/order dated 4.9.2019 has been dismissed by the Court of Civil Judge (Junior Division), Anandpur Sahib.
2. Notice of motion was issued vide order dated 10.2.2020 and in response to same, no one had put in appearance on behalf of contesting respondent No.1, despite due service.
3. I have heard the counsel for the petitioner.

4. The counsel for the petitioner submits that respondent No.1 Labh Singh has filed civil suit against the petitioner and proforma respondents with regard to joint ownership and possession of the suit property situated in village Ganguwal Tehsil Anandpur Sahib District Ropar. The counsel for the petitioner submits that during the pendency of the said civil suit respondent No.1-Labh Singh filed an application under Order 39 Rule 2-A CPC, but the same was dismissed vide order dated 4.9.2019 (Annexure P-3) by the Court of Additional Civil Judge (Senior Division) Anandpur Sahib. That the said order is relevant for the disposal of the aforesaid civil suit but the application filed by the petitioner for placing on record the said order is dismissed by the learned trial Court vide impugned order dated 24.1.2020. The counsel for the petitioner further submits that being aggrieved the petitioner has filed the present revision petition.
5. I have considered the submissions made by the counsel for the petitioner.
6. There is no doubt that parties have already led their evidence and as per counsel for the petitioner, now the suit is fixed for final arguments. It is apparent that during the pendency of the suit, respondent No.1 Labh Singh filed application under Order 39 Rule 2-A CPC wherein he alleged that the present petitioner has disobeyed the order dated 18.11.2013 whereby the parties were directed to maintain status quo during the pendency of the suit. The said application was contested by the petitioner and finally decided by the Court of Additional Civil Judge (Senior Division), Sri Anandpur Sahib vide order dated 4.9.2019

(Annexure P-3). This Court is of the view that the said order is relevant for the purpose of proper adjudication of the civil suit and even otherwise it being judicial order, the learned trial Court could take its judicial notice as the parties in both the proceedings are same.

7. In the light of the above, without entering into merits of the case, the present petition is hereby allowed in the interest of justice and the petitioner is allowed to produce certified copy of aforesaid order dated 4.9.2019 (Annexure P-3) by way of additional evidence and if the operation of said order has been stayed or the order stands set aside, respondent No.1 is at liberty to produce the certified copy of any such order in rebuttal to aforesaid additional evidence.
8. The petition stands disposed of in the aforesaid terms.

06.07.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No