



Sukhjinder Singh

Vs.

Kulwinder Singh and others

...Respondents

Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioner.

Mr. Vipin Mahajan, Advocate and
Ms. Chandanpreet Kaur Ahluwalia, Advocate
for respondents. No. 1, 2 and 8.

Mr. Kanav Singla, AAG, Punjab.

ANIL KSHETARPAL, J. (Oral)

1. In this revision petition, the plaintiff assails the correctness of order dated 23.01.2024, passed by the trial Court while dismissing his application for permission to lead additional evidence in order to examine handwriting and finger-print to compare the signatures of Sh. Tarsem Lal and Sh. Kabal Singh on three partnership deeds Ex. D2, D3 and D5.

2. In order to comprehend the issues involved in the present case, some relevant facts, in brief, are required to be noticed.

3. The plaintiff filed a suit in the year 2013, for the grant of decree of declaration that he is the sole proprietor of M/s Shivalik Bus Service, Balachaur and is actual holder and owner of the Route Permit Number 109/Stage/REG/88, and the plaintiff has got a right to operate bus on the aforesaid route. The claim of the plaintiff was contested by the defendants.



4. During the pendency of the suit, the plaintiff filed an application under Order 11 Rule 14 and Order 8 Rule 1-A read with Section 151 of the Code of Civil Procedure, 1908, which was disposed of on 06.08.2015.

5. Para 7 of the aforesaid order reads as under:-

“The perusal of case file shows that similar application was moved by counsel for plaintiff on 07.08.2013 for production of these documents and same was disposed of by the court on 27.09.2013 to the satisfaction of learned counsel for the plaintiff. Now again the plaintiff has moved these two applications. The copies of all the necessary documents are supplied to the plaintiff and answering defendants was directed to produce original document in court which they had produced and placed on file the certified copies of same and the permission was granted to them in the interest of business that certified copies be placed on file and original were turned to them with the direction to produce the same as and when required in the court. Moreover in the present case the dispute is not with regard to partnership, its existence and business of the firm, but this is regarding the permit of the bus in dispute. Hence the present application for production of documents stands disposed of. ”

6. The defendants while filing the reply supplied the certified copies of the original documents and offered to produce the same as and when required by the plaintiff or the Court. Thereafter, the plaintiff led his evidence, which was concluded in July, 2018. The defendants also concluded their evidence on 15.07.2022. In the beginning, the plaintiff filed an application for permission to lead rebuttal evidence, which was dismissed. The petitioner filed the revision petition, which was permitted to be withdrawn with liberty to the



petitioner to file application for additional evidence. The same was filed but dismissed.

7. Learned counsel representing the petitioner while referring to page No.97 of the paper book submits that the original partnership deeds Ex. D-2, D3 and D5 were produced for the first time in the cross-examination of the defendants. He submits that the petitioner should be granted an opportunity to get the signatures of Sh. Tarsem Lal and Sh. Kabal Singh compared from handwriting and finger-print expert in order to prove that these are forged. He submits that the Court should be liberal in granting an opportunity to lead additional evidence. In support of his contention, the learned counsel has placed reliance upon the judgment passed by this Court in “***Sharanjit Kaur Vs. Parveen Mahal and others***”, 2023 (3) ICC 510.

8. *Per contra*, the learned counsel representing the respondents submits that the petitioner has been delaying the disposal of the suit for nearly last two years. He submits that after the defendants closed their evidence on 15.07.2022, the petitioner has been making all efforts to delay the disposal of the case.

9. This Court has considered the submissions made by the learned counsel for the parties.

10. It is evident that in August, 2015, the original deeds were produced in the Court below by the defendants and returned to the defendants. The certified copies of the documents were supplied to the plaintiff. While leading evidence the plaintiff never considered it appropriate to summon the original partnership deeds. These documents were already in the knowledge of



the plaintiff from the date of the filing of the suit. Moreover in the year 2015, the defendants offered to produce the documents as and when required by the Court or the plaintiff. Hence, at this stage it would not be appropriate to interfere with the order passed by the trial Court.

- 11. Hence, no ground to interfere is made out.
- 12. Dismissed.

09.05.2024			(ANIL KSHETARPAL)
neeraj	Whether speaking/reasoned :	Yes	JUDGE No
	Whether Reportable :	Yes	No