



CRM-M-26553 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26553 of 2024(O&M)
Date of Decision: 27.05.2024

Jagjit Singh
...Petitioner

Versus

Davinder Singh Padda
...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Amardeep Singh Gill, Advocate
For the petitioner.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking quashing of order dated 24.04.2024 (Annexure P-16) passed by the Court of Judicial Magistrate Ist Class, Jalandhar vide which an application filed by the petitioner under Section 311 Cr.P.C. to produce certified copy of judgment and decree dated 30.09.2022 passed by the Court of Civil Judge (Sr.Divn.), NRI Court, Jalandhar in civil suit titled Jagjit Singh Vs. Davinder Singh Padda & Anr., by way of additional evidence, was dismissed.
2. The counsel for the petitioner submits that as per his instructions certified copy of the aforesaid judgment and decree dated 30.09.2022 was filed by the petitioner along with his application under Section 311 Cr.P.C. It is further submitted that the aforesaid civil litigation was also between the parties involved in the present case and both the said documents i.e. judgment and decree dated 30.09.2022 are essential to the just decision of the case. It is further submitted that the certified copies of



the judgment and decree dated 30.09.2022 are *per se* admissible and as such no delay will be caused in trial if petitioner is permitted to place the said documents on the record of the trial Court by way of additional evidence.

3. I have considered the submissions made by counsel for the petitioner. Admittedly, the judgment and decree in question are passed by the Civil Court in a litigation which was pending between the parties. In the given circumstances the impugned order is not sustainable as the same was passed by the trial Court without going through the aforesaid documents and without ascertaining as to whether the same are required for proper adjudication of the case.

3. Accordingly, the impugned order dated 24.04.2024 (Annexure P-16) is set aside without expressing any opinion on the merits of the case. The trial Court is directed to decide the matter afresh after hearing the parties and in the light of the observations made above, in accordance with law. In case the petitioner has not earlier filed certified copy of judgment and decree dated 30.09.2022, the same be filed in the learned trial Court well in time by the next date of hearing.

4. Keeping in view the nature of order being passed, no notice is required to be issued to the respondent. However, if he feels dis-satisfied with this order, he may move an application to recall the same.

27.05.2024
Jiten

(KARAMJIT SINGH)
JUDGE

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