2026:PHHC:020925

109

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

CR-9310-2025
Date of Decision: 16.02.2026

JOGINDER PAL .... Petitioner

Versus

TEJINDER PAL SINGH AND ANOTHER ..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Sandeep K. Sharma, Advocate with
Mr. Utsav Sharma, Advocate and
Mr. Lakshya Saini, Advocate
for the petitioner.

Mr. C.K. Rana, Advocate
for respondent No.1.

Mr. Raman Sharma, Advocate with
Mr. Amarsh Dudeja, Advocate and
Mr. Arnav Sharma, Advocate
for respondent No.2-BPCL.

****

YASHVIR SINGH RATHOR, J. (Oral)

1. This revision petition is directed against the order dated 01.11.2025 (Annexure P-1) passed by the learned ACJ (SD), SBS Nagar, vide which the Trial Court has dismissed the application dated 29.09.2025 (Annexure P-8) filed by the petitioner/plaintiff for leading additional evidence.

2. I have heard learned counsel for the parties and have gone through the material placed on the file.

3. Learned counsel for the petitioner argued that he filed a Civil Suit bearing No. 347 of 2019 titled ***"Joginder Pal vs. Tejinder Pal Singh***

and Another", for the rendition of true, correct, and complete accounts of the partnership firm 'Sat Guru Oil Point' situated at Village Bahua. The petitioner sought the rendition of accounts from 01.05.2016 onwards, alongwith the recovery of his share of profits and his appointment as the working partner in place of respondent/defendant No. 1. However, the accounts, audit reports, balance sheets, ledgers, day-books, bank statements, and related financial records of the firm were in the exclusive possession and control of respondent/defendant No. 1 and his Chartered Accountant. Learned counsel further argued that despite his admitted status as the working partner, respondent No. 1 (DW-2) failed to produce these essential records while appearing as a witness.

4. The petitioner had moved an application to bring the relevant transactional data on record by summoning the Sales Officer or any other concerned officer of respondent/defendant No. 2, Bharat Petroleum Corporation Ltd. (BPCL), Suchi Pind, Jalandhar, before the Trial Court. The firm, being a licensee of BPCL, is required to file its details and accounts with respondent No. 2 periodically.

5. The application was opposed by respondent/defendant No. 1 who denied to be in possession of the records either with him or with his Chartered Accountant. Furthermore, the request was only a tactic to delay the proceedings before the Court.

6. After hearing both parties, the learned trial court dismissed the application on the ground that the petitioner had failed to demonstrate due diligence and that the evidence should have been led earlier.

7. The occasion for the petitioner to summon these records arose only after the closure of the respondent/defendant No.1's evidence

and specifically following the cross-examination of the respondent/defendant No.1 appearing as DW-2, during which he failed to produce the firm's records despite multiple opportunities. Moreover, the additional evidence sought to be produced is essential for the just and proper adjudication of the matter and denial of such opportunity would cause serious prejudice to the plaintiff/petitioner.

8. As a result of the aforesaid discussion, I am of the considered opinion that the application cannot be held to be delayed or lacking in due diligence. Resultantly, the revision petition is allowed, and the impugned order dated 01.11.2025, is set aside. The petitioner/plaintiff shall conclude his additional evidence by availing two effective opportunities by taking *dasti* summons for the concerned witness from Bharat Petroleum Corporation Ltd subject to the payment of cost of Rs. 10,000/- by the petitioner to respondent/defendant No. 1. Moreover, the respondents/defendants shall also be entitled to lead evidence in rebuttal to the additional evidence sought to be led in accordance with the law.

9. Pending misc. application (s), if any shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

16.02.2026
Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No