

2026:PHHC:021407



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

CR-9365-2025

Date of Decision: 12.02.2026

JOGINDER PAL

....Petitioner

Versus

TEJINDER PAL SINGH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Sandeep K. Sharma, Advocate
Mr. Ritesh Sharma, Advocate
Mr. Utsav Sharma, Advocate
for the petitioner.

Mr. Chander Kant Rana, Advocate
for respondent No.1.

Parmod Goyal, J. (Oral)

Petitioner/plaintiff is aggrieved by impugned order dated 01.11.2025 (Annexure P-1), passed by learned Additional Civil Judge (Senior Division), SBS Nagar, vide which application preferred by petitioner/plaintiff for leading additional evidence was dismissed.

2. It is the case of petitioner/plaintiff that his Civil Suit bearing No.97 of 2020 for dissolution of partnership of firm 'Sat Guru Oil Point' situated at Village Bahua was pending in the Court of learned Court of first instance. The accounts and records of the partnership firm were in the hands of respondent/defendant No.1 and his chartered accountant.

3. However, while appearing as DW, respondent/defendant No.1 failed to produce any record, therefore, petitioner/plaintiff needs to bring all

the records pertaining to the firm on record by summoning the same from respondent/defendant No.2-Bharat Petroleum Corporation Ltd., Suchi Pind, Jalandhar. That firm is licensee of respondent/defendant No.2, therefore, all the details and accounts of the firm have been filed by the firm from time to time with respondent/defendant No.2.

4. The above stated application was opposed by respondent/defendant No.1 and possession of records was denied. It is asserted that application has been filed only to delay the proceedings before the Court.

5. Learned Court of first instance after hearing both the parties concluded that no due diligence could be shown by petitioner/plaintiff and, therefore, petitioner/plaintiff is not entitled to lead additional evidence. Both the counsels have reiterated the stand taken by them before the learned Court of first instance.

6. On consideration, I find that the occasion to summon records to petitioner/plaintiff has arisen only after closure of evidence of respondents/defendants and immediately after cross-examination of respondents/defendants, wherein he had denied having possession of records. Production of records was necessitated on account of denial by respondents/defendants, therefore, the application for additional evidence cannot be held to be delayed and having not filed after due diligence. Accordingly, revision petition is allowed.

7. Petitioner/plaintiff shall be entitled to conclude his additional evidence by availing two effective opportunities by taking *dasti* notices of any concerned witness. The opportunity to petitioner/plaintiff would be subject to cost of Rs.10,000/- to be paid to respondent/defendant No.1.

Respondents/defendants shall also be entitled to lead any evidence in rebuttal to additional evidence in accordance with law.

8. Pending application(s), if any, is/are disposed of accordingly.

12.02.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No