

Civ DJ 1127/14
SHER SINGH Vs. INDER SINGH

24.08.2024

Present: Sh. Ayushman, Id proxy counsel for plaintiff no.1,
connected through VC.
Sh S.K. Sagar, Id counsel for plaintiff no.2.
Ms. Anne Joseph, Id proxy counsel for defendant no.2 and
LRs of defendant no.3, connected through VC.

ORDER

1. Vide this order, this Court shall decide the application under Order 8 Rule 1(A) (3) read with Section 151 CPC moved on behalf of defendant no.2 and LRs of defendant no.3.
2. Arguments have already been heard. Record perused.
3. In said application, it is submitted that present suit was filed for dissolution of partnership and rendition of accounts and preliminary decree was passed in this matter on 17.04.2015. It is submitted that vide said judgment and decree dated 17.04.2015, liberty was granted to parties to shed light with respect to their entitlement. It is submitted that after preliminary decree, vide order dated 03.08.2015, suit was adjourned *sine-die*.

4. It is submitted that after that plaintiff moved an application for revival of the suit and same was allowed vide order dated 28.09.2022 and parties were directed to make submissions on issue no.2 & 5. After that opportunity was granted to plaintiff to produce the relevant record, however, same was not produced and Court closed the right of plaintiff to produce documents/lead evidence. It is submitted that plaintiff was having possession of accounts of the firm, however, he has intentionally not produced any record, so defendant wants to produce the record in order to show her contribution to the partnership firm.
5. It is submitted that defendant wants to file on record the documents as mentioned in para no.5 of the present application. It is submitted that said documents are essential to prove the case of defendant. Prayer has been made to allow the defendants to place on record the above stated documents.
6. Plaintiffs have filed the replies to said application and strongly objected the prayer of defendants.
7. This Court is of the considered view that perusal of record shows that judgment and preliminary decree was passed in the present matter on 17.04.2015 and as per para no.22 of said judgment, parties were permitted to throw light regarding their respective entitlement in view of finding on issue no.2 & 5. As

per case of defendants, they want to file the additional documents in order to throw light regarding their entitlement. In view of the same, this Court is of the view that by way of judgment and decree dated 17.04.2015 itself, parties were given liberty to file on record any relevant document which can throw light on their entitlement. So, in view of the same, present application is allowed and accordingly disposed of.

Matter be put up for DE on **31.08.2024**.

(Dharmender Singh)
District Judge-01(West), THC
Delhi/24.08.2024