

Jaspal Singh Vs. Gurnam Chand

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CS-1138-2020

Present: Sh. Gurjinder Singh Padiala, Advocate counsel for plaintiff.
Sh. Sanjay Tangri, Advocate counsel for defendant.

This order of mine will dispose of two applications one filed by plaintiff and another filed by defendant, filed under Section 151 of CPC for placing on record various documents. First application has been filed by the plaintiff under Section 151 of CPC for placing on record bank passbook of State Bank of Patiala of the plaintiff.

Briefly the averments of the present application are that no consideration has been received by plaintiff and in support of this plaintiff wants to place on record his passbook. It is further stated that no prejudice will be caused to defendant if copy of the same be placed on record. It has been prayed that application may be allowed and applicant/plaintiff is allowed to place on record passbook of State Bank of Patiala.

In reply, it has been stated by the defendant that the instant application is not maintainable at this stage as answering defendant has already filed written statement and the plaintiff has also filed the replication and the answering defendant would be left with no opportunity to controvert the same in case the present application is allowed. It is further averred that there is no pleading regarding the passbook in the entire plaint. The present action of the plaintiff is not bonafide and is on the contrary malafide in order to deprive the answering defendant to controvert the said document. Prayer has been made for dismissal of the application.

The second application has been filed by defendant under

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Section 151 CPC for placing on record various documents.

Briefly the averments of the present application are that the defendant has already filed written statement but inadvertently the documents relied by the defendant were not attached with the written statement and the same is very much necessary to place on record just for proper disposal of the present case. It has been prayed that application may be allowed and defendant is allowed to placed on record various documents as mentioned in detail in the application.

In reply, it has been stated by the plaintiff that the defendant intentionally did not attach the documents with the written statement and the documents is not relevant for the present case. It has been prayed that the application may kindly be dismissed.

I have heard the learned counsels for the parties and have gone through the judicial file carefully.

First application has been filed by the plaintiff under Section 151 CPC for placing on record passbook of State Bank of Patiala. The plaintiff has pleaded in his plaint that no consideration amount was received by him in respect of the alleged sale of the suit property and as such, it has been stated by the Ld. Counsel for the plaintiff that the present document is very much necessary for just and proper decision of the present case.

The second application has been field by the defendant under Section 151 CPC for placing on record various documents as detailed in his application It is observed that the case is still at a very early stage and the arguments on the application under Order 39 rule 1 and 2 CPC are still to be

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heard by this court. Therefore, for the just decision of the present case it is very much necessary to bring on record all the relevant documents which will help this court on reaching a just fair decision, otherwise also, the court has ample power to call upon any person to submit any document which it deems necessary, to help the court in arriving at a just and fair decision. Otherwise also as the case is very early stage and both the parties will get an ample of opportunities to rebutted the case of the another party during arguments on stay application as well as later on to prove their case and rebutted the case by opposite party, by bringing on record evidence.

Hence, in the interest of justice, equity and fairness both these applications stand allowed and disposed of accordingly.

However, nothing observed or held above shall be construed as comments on the merit of the case and the case will be decided on its merits after giving opportunities to both the parties to prove their case.

Pronounced in open court on:
17.09.2021

(Devnoor Singh)
Civil Judge (Junior Division),
SAS Nagar, Mohali
UID No. PB0507

(Kuldeep Singh)