



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

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CR-6459-2025

Date of Decision:16.09.2025

M/S H.G.K. Developers Pvt. Limited and Another

.....Petitioners

Vs.

M/s Mitter Fasteners and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Nimanyu Gautam, Advocate
for the petitioners.

DEEPAK GUPTA, J. (ORAL)

Petitioners herein are the plaintiffs of civil suit No.1038 of 2014 titled as "M/s H.G.K. Developers Pvt. Ltd. and Others vs. M/s Mitter Fasteners and Others", pending before learned Additional Civil Judge (Senior Division), Payal. The petitioners are aggrieved by the order dated 04.09.2025 (Annexure P-9), whereby an application moved by petitioners-plaintiffs seeking permission to lead additional evidence has been declined.

Learned counsel for the petitioners has drawn attention towards application (Annexure P-7) which was moved under Section 151 CPC for leading additional evidence, submitting that the documents proposed to be produced in additional evidence were only the certified copy of the sale deed dated 13.02.2013 and four jama-bandis of different years and that all these documents are *per se* admissible. It is also pointed

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out that all these documents were already available on the trial Court record but inadvertently, the same were not exhibited by counsel for the petitioners- plaintiffs.

Perusal of the impugned order would reveal that while rejecting the application, the trial Court observed that after framing the issues on 30.10.2012, plaintiff had availed more than 30 opportunities to conclude the evidence. After closure of the evidence by the defendant, the plaintiff had filed an application for additional evidence on 29.01.2025 which was disposed of vide order dated 06.02.2025. The case was at the stage of arguments when the instant application was moved.

No doubt, the observations made by the trial Court reflect the negligent conduct and the lackadaisical approach of the petitioner but at the same time, the Court cannot ignore the fact that the documents proposed to be produced as additional evidence are only the certified copy of the sale deed and the revenue record, which are *per se* admissible.

Having regard to the aforesaid facts and circumstances and without issuing any notice to the respondents, lest it may delay the proceedings of the case, the present petition is hereby accepted.

The trial Court is directed to permit the petitioner one opportunity to lead the additional evidence as mentioned in the application (Annexure P-7) subject to cost of ₹1,00,000/- payable by the petitioners- plaintiffs to the respondents- defendants by way of demand draft.



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In case, respondents- defendants are aggrieved by the order, they will be at liberty to approach this Court, since the petition is being disposed of without issuing any notice.

**(DEEPAK GUPTA)
JUDGE**

September 16, 2025

Neetika Tuteja

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable | Yes/No |