

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

2025.PHHC.103620



**CR-5334-2025 (O&M)
DATE OF DECISION : 11.08.2025**

SARABJIT SINGH

... PETITIONER

V/S

**PUNJAB STATE THROUGH ITS SECRETARY AND OTHERS
... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Akhil Kamra, AAG Punjab.

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PARMOD GOYAL, J. (ORAL)

The petitioner is aggrieved by the impugned order dated 30.07.2025 passed by the learned Civil Judge (Junior Division), Amritsar whereby application of plaintiff-petitioner for additional evidence was dismissed.

2. Notice of motion.

3. Mr. Akhil Kamra, AAG Punjab accepts notice on behalf of the respondents.

4. I have heard learned counsel for the parties.

5. Simple case of the plaintiff is that he had filed a suit for mandatory injunction seeking all arrears of DA as well as amount deducted by his employer towards GPF.

6. Admittedly, no written statement was filed by defendant-respondent despite availing sufficient opportunities to do so. Thereafter, plaintiff had examined himself and closed the evidence. It is the case of the plaintiff that after closing the evidence, it has struck to his counsel that in absence of records of salary showing deductions made by defendant, he cannot prove his case as entire

record is in possession and control of defendants and defendants have not filed any written statement. Therefore, he could not be able to lead evidence to prove those documents before the Court. His application for additional evidence, however, was dismissed on the ground of delay and on the ground that he wants to fill up the lacunas.

7. On consideration, I find both the grounds taken by learned Court of First Instance for denying application for additional evidence to be without any merit. In the present case, the main grouse of plaintiff-petitioner is dependant upon records of the case which are admittedly in the possession of defendants. Therefore, though there is a delay on the part of the plaintiff, however, despite that the records are necessary for just decision of the case between the parties. Substantive justice must take over procedural technicalities. The delay can be compensated with costs. Accordingly, the present revision petition is allowed. Petitioner shall be granted two effective opportunities to lead evidence by summoning records from defendants subject to payment of costs of Rs.10,000/- to be paid to the defendants. Pending miscellaneous application(s), if any, shall also stand disposed of.

11.08.2025

Janki

**(PARMOD GOYAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No