



CR No. 5398 of 2025 (O&M)

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5398 of 2025 (O&M)
DATE OF DECISION: 21.08.2025

HARWINDER KAUR AND OTHERS

.....PETITIONERS

Vs.

NAND LAL AND SONS

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Gopal Sharma & Ms. Palak Jain, Advocates,
for the petitioners.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition, filed by the petitioners-defendants under Article 227 of the Constitution of India, is for setting aside the impugned order dated 01.08.2025, passed by the learned Civil Judge (Senior Division), Fatehgarh Sahib (for short 'the lower Court'), whereby the application filed by the respondent-plaintiff for additional evidence has been allowed in Civil Suit No. 583 of 2020 titled *Nand Lal and Sons v. Harwinder Kaur and others*. The petitioners-defendants further pray for dismissal of the said application for additional evidence filed by the respondent-plaintiff.

2. The brief facts of the case are that the respondent-plaintiff, M/s Nand Lal and Sons, through its proprietor Sh. Jaswinder Singh, filed a suit for recovery of Rs. 9,80,680/- along with interest against the petitioners-defendants Harwinder Kaur and others. In the suit, it was



CR No. 5398 of 2025 (O&M)

admitted that Sadagar Singh, husband of petitioner-defendant No. 1 Harwinder Kaur, father of petitioner-defendant No. 2 Amarinder Singh, and son of petitioner-defendant No. 3 Surjit Kaur, was running the business of sale of building material under the name and style of *Sidhu Building Materials*, Opposite Electricity Grid, Village Badali Alla Singh, Tehsil & District Fatehgarh Sahib. Said Sadagar Singh had business dealings with the respondent-plaintiff and had been purchasing cement from him. In paragraph No. 3 of the plaint, the respondent-plaintiff furnished the details of such purchases.

2.1 Sadagar Singh expired in November, 2017, and the petitioners-defendants inherited his estate as his legal representatives. At the time of his death, an amount of Rs. 7,26,480/- (principal) along with Rs. 2,54,200/- (interest) was allegedly due from him, totaling Rs. 9,80,680/-. Accordingly, the respondent-plaintiff claimed entitlement to the said amount.

2.2 The petitioners-defendants filed their written statement raising objections as to maintainability, *locus standi*, and cause of action, and contended that the respondent-plaintiff had not approached the Court with clean hands, having suppressed material facts, and that the suit was an abuse of the process of law.

2.3 On the basis of pleadings, seven issues were framed by the lower Court. The respondent-plaintiff closed his evidence (Annexure P-7), whereafter the petitioners-defendants also closed their evidence on 19.05.2025 (Annexure P-8), and the matter was fixed for rebuttal evidence, if any, else for arguments.



CR No. 5398 of 2025 (O&M)

2.4 Subsequently, on 16.07.2025, the respondent-plaintiff filed an application (Annexure P-9) seeking permission to examine Gaurav, Clerk/Accountant of M/s Nand Lal & Sons, as additional evidence. The petitioners-defendants filed their reply opposing the same. Ultimately, after hearing both sides, the learned lower Court allowed the application and granted two effective opportunities to the respondent-plaintiff to conclude the additional evidence, vide order dated 01.08.2025 – the order under challenge.

3. Learned counsel for the petitioners-defendants vehemently submitted that the learned lower Court committed a grave error in allowing the application. It was argued that additional evidence cannot be permitted when the evidence sought to be produced was within the knowledge and possession of the respondent-plaintiff. The impugned order is silent on the reasons for non-examination of the said witness at the appropriate stage, and no satisfactory explanation has been furnished even now. It was further argued that evidence is to be led only in accordance with pleadings, and any evidence beyond pleadings is inadmissible. Moreover, both parties had already closed their evidence, and the application did not disclose any reason for not examining Gaurav, Clerk/Accountant of M/s Nand Lal & Sons, earlier. Therefore, the impugned order dated 01.08.2025 deserves to be set aside.

4. I have heard learned counsel for the petitioners-defendants and perused the record.



CR No. 5398 of 2025 (O&M)

5. In view of the order proposed to be passed, notice to the respondent is dispensed with, as the same would only delay proceedings and entail unnecessary expense.

6. After hearing learned counsel for the petitioners, it is evident that the respondent-plaintiff, M/s Nand Lal & Sons, had filed the suit for recovery on the basis of invoices/bills allegedly issued during the lifetime of Sadagar Singh. In the application, it has been pleaded that due to oversight, the Clerk/Accountant, namely Gaurav, who issued the bills under his signatures, could not be examined earlier.

7. Keeping in view the above, this Court is of the view that since the suit is based primarily on documentary evidence in the form of invoices/bills and ledgers, the learned lower Court was justified in permitting the examination of the said witness. Moreover, the petitioners-defendants will have full opportunity to cross-examine him regarding the veracity of the said documents. Proper adjudication of the case requires complete evidence on record.

8. Though learned counsel for the petitioners-defendants argued that the respondent-plaintiff cannot as of right lead evidence in rebuttal, this Court is of the considered view that each case must be examined in light of its peculiar facts and circumstances. Since the invoices/bills constitute the very foundation of the claim, the learned lower Court rightly exercised its discretion in allowing the application for additional evidence.

9. Accordingly, this Court finds no merit in the prayer for setting aside the order dated 01.08.2025, passed by the learned Civil Judge (Senior



CR No. 5398 of 2025 (O&M)

Division), Fatehgarh Sahib.

10. Finding no illegality or infirmity in the impugned order, the present revision petition, being devoid of merit, is hereby dismissed.

11. Pending miscellaneous applications, if any, shall also stand disposed of.

AUGUST 21, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking	Yes
Whether Reportable	No