



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

(114)

**CR No. 2407 of 2025 (O&M)**

**Date of Decision: 25.04.2025**

**Amit Kumar**

**...Petitioner**

**Versus**

**Sourabh Goyal**

**...Respondent**

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Kamal Jindal, Advocate  
for the petitioner.

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**VIKRAM AGGARWAL, J (ORAL)**

1. The present revision petition is directed against the order dated 19.03.2025 (Annexure P-1) passed by the Court of learned Civil judge (Sr. Division), Dabwali, vide which the application filed by the petitioner for leading additional evidence was declined.

2. A suit for recovery of ₹5,16,000/- was filed by the respondent-plaintiff (Saurabh Goyal) against the petitioner-defendant (Amit Kumar). An application for leading additional evidence (Annexure P-2) was moved praying that the petitioner be permitted to produce evidence of the respondent-plaintiff in the complaint instituted under Section 138 of the Negotiable Instruments Act, 1881 (for short 'NI Act'). The said application was opposed by way of reply (Annexure P-3). Vide the impugned order, the said application was dismissed leading to filing of the present revision petition.

3. I have heard learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that in the present case, the respondent-plaintiff was examined on 29.05.2023. The evidence of

the petitioner-defendant commenced on 27.10.2023. Oral evidence was closed on 24.05.2024 and documentary evidence was closed on 05.07.2024. He submits that immediately thereafter, on 25.07.2024, the application for additional evidence was filed but the same has erroneously been rejected by the learned trial Court. He submits that the evidence sought to be brought on record is essential for the just decision of the case and that the learned trial Court did not examine the matter from the correct perspective. Learned counsel submits that only one opportunity is required for leading the said evidence.

5. There would be no necessity of issuing notice to the respondent, for in view of the nature of the order that is proposed to be passed, no prejudice would be caused to him.

6. I have considered the submissions made by learned counsel for the petitioner.

7. Admittedly, the respondent-plaintiff had also instituted a complaint under Section 138 of the NI Act against the present petitioner. The present suit is a suit for recovery. It is settled law that the proceedings in a Civil Court are not to be influenced by the proceedings in the criminal Court and vice versa. However, in the considered opinion of this Court, the relevance of the evidence would be considered by the Court at the relevant stage and the petitioner should not have been deprived from producing the evidence, which as per the petitioner, would be essential for the just decision of the case. This Court is also of the considered opinion that the evidence sought to be produced by way of additional evidence would ultimately be considered by the learned trial Court on its own merits but the petitioner deserves to be permitted to produce the same.

That being so, the present revision petition is allowed. The order dated 19.03.2025 is set aside and application for additional evidence is allowed and one opportunity is granted to petitioner to lead additional evidence on a date to be fixed by the Court concerned.

Pending application(s), if any, shall also stand disposed of.

**(VIKRAM AGGARWAL)**  
**JUDGE**

**April 25, 2025**  
Rekha

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No