



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

131

CR-4567-2025

Date of decision: 21.07.2025

M/s Sukhija Trading Co.

..... Petitioner

Versus

Kuldeep Singh

..... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

PRESENT: Mr. Anuj Balian, Advocate for the petitioner.

NIDHI GUPTA, J.

1. Fresh Vakalatnama '**without no objection**' from previous counsel filed on behalf of the petitioner is taken on record.
2. Prayer in the present revision petition filed under Article 227 of the Constitution of India, is for setting aside the order dated 01.07.2025 (Annexure P-5) passed by the Id. trial Court whereby the application filed by the plaintiff-petitioner for leading additional evidence by tendering the documents (*i.e. Rapat Roznamcha & Khasra Girdawari*), was dismissed.
3. Learned counsel for the plaintiff-petitioner, *inter alia*, submits that the learned trial Court has committed patent error while dismissing the application of the petitioner for leading additional evidence as, it failed to appreciate that the same is imperative for proper adjudication of the matter. It is contented that the learned trial Court while passing the impugned order has not gone into the real dispute and has not considered the nature of documents sought to be tendered into evidence



by the petitioner which is a matter of record and will not cause any prejudice to the respondent. It is accordingly prayed that the instant revision petition be allowed and the impugned order dated 01.07.2025 (Annexure P-5) may be set aside.

4. No other argument is raised by ld. counsel for the petitioner.
5. I have heard learned counsel and perused the case file.
6. I find no merit in the submissions advanced on behalf of the petitioner. Perusal of the record reveals that the petitioner had filed a suit dated NIL for recovery of ₹6,64,325/- (₹5,15,000 as principal and ₹1,49,325/- as interest thereupon) (Annexure P-1) from the defendant. Issues in the present case were framed as far as back on 17.08.2019; whereafter the trial has commenced. During the course of trial, the petitioner has led evidence in affirmative and adduced oral and documentary evidence to prove transactions between the parties; and has also proved that he is maintaining Ledger Books in due course of business. The petitioner concluded his evidence and defence evidence has commenced. It is at this stage that the petitioner moved the present application dated 14.11.2024 (Annexure P-3) to lead additional evidence to prove that he is maintaining Ledger Books and wanted to bring the same on record. Para Nos. 3 and 4 of the said application dated 14.11.2024 read as under: -

- “3. *That the production of balance sheet on the case file is very necessary for the fair decision of the suit, the plaintiff could not produce it in his affirmative evidence inadvertently.*
4. *That the nonproduction of the above-mentioned document is not intentional one but due to the inadvertent mistake by the plaintiff.”*



7. First and foremost, inadvertent error to produce relevant evidence constitutes no ground for permitting a party to lead additional evidence. Admittedly, the said documents were in the knowledge of the petitioner, even at the time of filing of the plaint, and even at the time of leading evidence. However, the petitioner failed to exercise due diligence and failed to produce the same at the relevant time. By not producing the said documents earlier, the petitioner cannot be permitted to fill lacunae in his case. Moreover, the petitioner had taken as many as 05 years to conclude his evidence which had commenced on 17.08.2019; and was closed in affirmative vide statement recorded on 15.07.2024. Even evidence of the defendant-respondent stood closed on 29.10.2024. It is only at the stage of rebuttal evidence and final arguments that the petitioner had moved the present application dated 14.11.2024. The petitioner has clearly failed to exercise due diligence as, no explanation was given as to why the said documents were not produced previously despite the fact that the same were in the knowledge of the petitioner.

8. In view of the discussion above, I find no ground is made out to exercise the revisional jurisdiction of this Court.

9. **Dismissed.**

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

21.07.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No