



CR-6017-2025 (O&amp;M)

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

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**CR-6017-2025 (O&M)  
Decided on:- 02.09.2025**

Swami Charitable Educational  
Society (Regd.) and Another

...Petitioners

VERSUS

Krishan Goyal and Others

...Respondents

**CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. Sumeet Jain, and Mr. Vishesh Jain, Advocates  
for the petitioners.

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**MANDEEP PANNU J.**

1. This revision petition is directed against the order dated 10.07.2025 passed by the learned Additional Civil Judge (Senior Division), Derabassi, whereby the application filed by the petitioner under Section 151 of the Code of Civil Procedure, 1908 for leading additional evidence has been dismissed.

**Brief facts**

2. The petitioner-Society filed a suit for declaration against the respondents. Upon notice, defendants No.1 to 6 filed their written statement and issues were framed. Parties led their respective evidence. Respondent No.4, Additional Registrar of Societies, appeared as DW-2 and in his deposition stated that amendments made by the plaintiff-Society had been rejected vide order dated 13.11.2017, but simultaneously admitted that the governing body of the Society was shown as approved. He further admitted that certified copies issued by his office signified approval of the records. The case was thereafter adjourned for the evidence of the defendants.



3. During pendency of trial, defendants No.1 to 3 themselves moved an application for leading additional evidence which was allowed. When the matter was fixed for final arguments, the petitioner filed the present application for additional evidence, placing reliance on the subsequent events arising out of FIR No.0028, dated 21.01.2023 registered against private respondents on the allegations of forgery of bogus resolutions of the petitioner-Society. During investigation, the statement of Balbir Singh, Senior Assistant in the office of Additional Registrar (Societies), Mohali, was recorded, wherein he clearly stated that no recognition was ever granted to the alleged governing body set up by respondent No.1 and that the only valid and recognised governing body was that of the petitioner. He further clarified that no certificate of filing was ever issued in respect of the so-called governing body of respondent No.1.

4. It is this material i.e a subsequent development which was not available at the time of recording the plaintiff's evidence and which the petitioner seeks to bring on record by way of additional evidence. This is not an attempt to fill lacunae, but to place before the Court material which directly contradicts the testimony of DW-2 and goes to the very root of the controversy. The learned trial Court, however, dismissed the application on the ground that the trial had concluded, that one record clerk had already been examined, and that recalling another officer from the Registrar's office was not justified. It was also observed that the application was belated.

5. Having considered the rival contentions and the record, this Court is of the view that the impugned order is unsustainable. The true test for allowing additional evidence, as repeatedly laid down by the Hon'ble Supreme Court, is whether such evidence is necessary for the Court to pronounce judgment in a just



manner. The principle has been reiterated in *K.K. Velusamy v. N. Palanisamy, 2011 (2) RCR (Civil) 875*, where the Hon'ble Court held that even after conclusion of evidence and arguments, the Court may permit fresh evidence in exercise of inherent power under Section 151 CPC, provided the evidence is bona fide, relevant and its earlier non-production is justified by valid reasons. The Court further observed that procedure is intended to advance justice, not to obstruct it. Similarly, in *Ram Rati v. Mange Ram (D) through LRs, 2016 AIR (SC) 1343*, it was held that where additional evidence goes to the root of the matter and has decisive bearing on the issues, it must be admitted, subject to appropriate safeguards.

6. In the present case, the statement of Balbir Singh is not only subsequent in time but also vital. It directly contradicts the testimony of DW-2, and, therefore, its exclusion would result in the Court deciding the case on an incomplete and possibly misleading record. The petitioner cannot be faulted for not producing this earlier, since it came into existence after closure of evidence. To deny its production merely because the matter was fixed for arguments would amount to elevating procedure above justice.

7. This Court also finds merit in the contention that the trial Court erred in treating the application as belated without appreciating that the events on which the petitioner relies i.e. the FIR and subsequent investigation, are developments beyond the petitioner's control. The trial Court also overlooked the fact that defendants themselves had earlier been permitted to adduce additional evidence. Once such latitude was extended to one party, fairness demanded that the petitioner also be given an opportunity to produce material of decisive value.



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8. In view of the above discussion, this Court is satisfied that the impugned order suffers from material irregularity and has occasioned miscarriage of justice. The revision petition is accordingly allowed. The impugned order dated 10.07.2025 is set aside. The application filed by the petitioner under Section 151 CPC is allowed. The petitioner shall be permitted to examine concerned Senior Assistant, and to produce on record related documents, subject to payment of costs of ₹5000/- to the respondents and subject to one effective opportunity to be given by the learned trial Court. The respondents shall have due opportunity to cross-examine and to lead rebuttal evidence to additional evidence, if so advised. Thereafter, the case shall proceed to final arguments without avoidable delay.

9. Accordingly, the present revision petition is allowed in the above-said terms

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

September 02, 2025  
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**(MANDEEP PANNU)**  
**JUDGE**

Whether speaking/non-speaking : Speaking  
Whether reportable : Yes/No