



CR-6979-2024 (O&M)

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

(115)

CR-6979-2024 (O&M)

Date of decision:- 13.01.2025

Prem Chand Kaushik

...Petitioner

Versus

Gian Chand and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Hariom Sharma, Advocate
for the petitioner.

Mr. Ashish Bansal, Advocate
for the respondents.

...

SUVIR SEHGAL, J. (Oral)

CM-61-CII-2025

Noticing the stand taken by the applicants-respondents in the Miscellaneous Application, the date of hearing of the main petition is preponed to today and it is taken on Board.

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1. This petition has been filed under Article 227 of the Constitution of India for setting aside order dated 08.11.2024, Annexure P-5, passed by the learned Additional Civil Judge (Senior Division), Panchkula, whereby the application dated 28.05.2024, Annexure P-3, filed by the defendant-petitioner for adducing additional evidence has been declined.



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2. After hearing the petitioner, this Court passed the following order on 02.12.2024:-

“Learned counsel for the petitioner inter alia submits that petitioner examined himself in support of his case on 09.04.2024 and on the same day, the defendant’s evidence was closed. Thereafter, on an application moved by the plaintiff-respondents, an additional issue was framed on 24.04.2024. The petitioner, soon thereafter, filed an application for permission to adduce additional evidence on 28.05.2024, which was declined vide impugned order dated 08.11.2024. It is contended that the trial Court has wrongly observed that the evidence of the petitioner was closed on 09.04.2022. The petitioner seeks only one opportunity to tender on record copy of the documents, which have already been appended along with the application.

Notice of motion, returnable for 04.02.2025.

In the meanwhile, as a one time interim measure, the final order be not passed till the next date of hearing before this Court.”

3. On the basis of stand taken by the respondents in the Miscellaneous Application (CM-61-CII-2025), which is supported with an affidavit of respondent No.1, counsel for the respondents submits that the respondents do not have any objection, if the revision petition is accepted and one opportunity is granted to the petitioner to tender the copy of the documents, which they have appended with their application, Annexure P-3.

4. On the basis of concession given by the respondents, revision petitioner is allowed. Impugned order, Annexure P-5, is set aside.

5. Petitioner is granted one opportunity to tender the documents appended by him along with the Application, Annexure P-3.

6. Parties shall appear before the Trial Court on 25.01.2025, on which date, the petitioner shall tender the documents.



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7. Noticing that both the respondents are senior citizens, and the suit is pending for the last four years, Trial Court shall make an endeavour and conclude the trial as expeditiously as possible.

**(SUVIR SEHGAL)
JUDGE**

13.01.2025
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No