

**Sr. No.118****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-3727-2025****Date of decision: 15th July 2025****PAWAN KUMAR****.....Petitioner****versus****SUMAN AND OTHERS****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the instant revision petition filed under Article 227 of the Constitution of India, is for setting aside the order dated 28.05.2025 (Annexure P-1), passed by the learned Additional Civil Judge (Senior Division), Charkhi Dadri, whereby, the application dated 06.11.2024 (Annexure P-2), filed by the petitioner for leading additional evidence, has been dismissed.

2. Learned counsel for the petitioner contends that the petitioner-plaintiff filed a suit for recovery for a sum of ₹8,82,000/- against the respondents-defendants on the basis of a Bahi Writing executed on 16.12.2016 by Suresh Kumar (since deceased). The respondent/defendant has denied the execution of Bahi in the pleadings. The petitioner-plaintiff, while leading evidence, himself appeared as a plaintiff witness and also examined a witness Subash. *Per contra*, the respondents-defendants also closed their evidence and respondent No.1 herself appeared as a witness. When the case was fixed for rebuttal evidence and arguments, at that stage, the petitioner came to know that respondents-defendants had filed a Civil



Suit bearing No.462 of 2020 on 06.07.2020, titled as “*Suresh deceased through his LRs versus Mool Chand*” and the said suit was filed on the basis of a “Bahi Writing”. When the petitioner came to know about the fact that the said suit has been filed on the basis of a “Bahi Writing”, he immediately moved an application seeking permission to lead additional evidence, which has been dismissed by the trial Court merely on the ground of delay and latches.

3. I have considered the aforesaid submissions and perused the paper book.

4. Keeping in view the facts and circumstances on record, issuance of notice to the respondents is dispensed with as it would further delay the proceedings before the trial Court.

5. The evidence sought to have been produced by the petitioner-plaintiff is a material piece of evidence and there is nothing on record to suggest that the petitioner was earlier aware of the fact that the Legal Representatives of the respondent-defendant have relied upon a “Bahi Writing” of the defendant and made their claim by way of filing a civil suit against a third party. In such circumstances, it cannot be opined that the delay in filing an application to lead additional evidence by the petitioner-plaintiff was intentional. The delay which occurred in filing such an application at a belated stage can be compensated in terms of cost. The request of the petitioner to bring on record a material piece of evidence cannot be declined merely on the ground of delay and latches.

6. In view of the aforesaid facts and circumstances, the present revision petition is allowed. The impugned order dated 28.05.2025



(Annexure P-1), passed by the learned Additional Civil Judge (Senior Division), Charkhi Dadri, is set aside. The petitioner is permitted to lead additional evidence, subject to payment of cost of ₹20,000/- to be paid to the respondents. However, the Civil Judge shall afford only one effective opportunity to the petitioner to lead additional evidence.

7. Since the order has been passed without issuance of a notice to the respondents, as such, the respondents shall be at liberty to file an application for recalling of this order, if so advised.

8. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

15th July 2025

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