

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

**CR-2713-2018 (O&M)
Date of decision : 05.07.2022**

Rekha Gaur

... Petitioner(s)

Versus

Veerpal Singh

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Abhilaksh Grover, Advocate for the petitioner.

Mr. Vishal Yadav, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

The present revision petition under Article 227 of the Constitution of India has been filed challenging the impugned order dated 04.04.2018 (Annexure P-7) whereby the application filed by the petitioner for placing on record the ITRs of the petitioner by way of additional evidence has been dismissed.

Learned counsel for the petitioner would contend that the said ITRs are necessary and in fact would be a clincher in the matter. Learned counsel for the petitioner would further contend that the documents can be allowed even at a belated stage. In support of his contentions, he has relied upon the judgment by the Hon'ble Supreme Court in the case of “**Sugandhi (dead) by LRs & Anr. Vs. P. Rajkumar Rep. by his power agent Iman Oli**” [(2020)10 SCC 706].

Learned counsel for the respondent has contended that the application was filed at a belated stage and the ITRs were well within the knowledge of the petitioner and, hence, there is no reason to allow the additional evidence.

Heard.

Hon'ble Supreme Court in the case of "**Levaku Pedda Reddamma & Ors. Vs. Gottumukkala Venkata Subbamma & Anr.**" [Civil Appeal No.4096 of 2022, decided on 17.05.2022], has held as under :

"We find that the trial Court as well as the High Court have gravely erred in law in not permitting the defendants to produce documents, the relevance of which can be examined by the trial Court on the basis of the evidence to be led, but to deprive a party to the suit not to file documents even if there is some delay will lead to denial of justice.

It is well settled that rules of procedure are hand-maid of justice and, therefore, even if there is some delay, the trial Court should have imposed some costs rather than to decline the production of the documents itself."

Further in the case of **Sugandhi** (*supra*), it has been held as under :

"9. It is often said that procedure is the handmaid of justice. Procedural and technical hurdles shall not be allowed to come in the way of the court while doing

substantial justice. If the procedural violation does not seriously cause prejudice to the adversary party, courts must lean towards doing substantial justice rather than relying upon procedural and technical violation. We should not forget the fact that litigation is nothing but a journey towards truth which is the foundation of justice and the court is required to take appropriate steps to thrash out the underlying truth in every dispute. Therefore, the court should take a lenient view when an application is made for production of the documents under subrule (3).”

Keeping in view the fact that the petitioner seeks to only produce on record the ITRs which would be necessary to arrive at a just decision in the present case and further the fact that the late production of the said documents would not cause any serious prejudice to the respondent, the present revision petition is allowed subject to payment of costs of Rs.25,000/- to be paid to the respondent. The petitioner shall be allowed to lead the additional evidence and the respondent would be given an opportunity to rebut the additional evidence as led by the petitioner.

Disposed off accordingly. Pending applications, if any, also stand disposed off.

05.07.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO