

S. No.104

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

CR No.5797 of 2022

Date of Decision:09.12.2022

Rishi Ram Aggarwal

.....Petitioner

Vs.

Sushil Gupta

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Pritam Singh Saini, Advocate and
Mr. Abhishek Goel, Advocate for the petitioner.

DEEPAK GUPTA, J.

Plaintiff is in this revision against the order dated 04.11.2022 (Annexure P.4) whereby his application to lead additional evidence has been declined by the trial Court.

Learned counsel contends that in order to prove the nature of the suit property, which is in dispute, petitioner-plaintiff only wants to tender some documents. He undertakes that no evidence shall be produced so as to prove those documents. Learned counsel has referred to Levaku Pedda Reddamma and others Vs. Gottumukkala Venkata Subbamma and another, 2022 wherein it has been held by Hon'ble Supreme Court that to deprive a party to the suit not to file documents even if there is some delay will lead to denial of justice and that trial Court should have imposed some costs rather than to decline the production of the documents itself as rules of procedure are hand-maid of justice.

Without issuing notice to the respondent, this revision is allowed by setting aside the impugned order. The trial Court is directed to admit the proposed additional evidence of the petitioner but making it clear that only the certified copies of documents shall be tendered. It will be for

the trial Court to evaluate the evidentiary value of the said evidence at the appropriate stage. Defendant- respondent shall of course get an opportunity to rebut the additional evidence.

This order has been passed without serving notice to the respondent in order to avoid any delay in the matter. However, if the respondent- defendant is aggrieved by this order, he can approach this Court.

December 09, 2022	(DEEPAK GUPTA)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No