

**CR-1697-2024 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****137****CR-1697-2024 (O&M)****Date of decision: 07.05.2024****VED PARKASH****..Petitioner****Versus****PARGAT SINGH AND OTHERS****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Akashdeep Singh, Advocate
for respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is defendant No.1 in a suit for specific performance of the agreement to sell filed by the respondent with respect to the agricultural land measuring 29 kanal and 3 marla, which is pending before the trial Court. The defendant while contesting the suit has claimed that he is an agriculturist and he used to sell his crops through the firm of the plaintiff and he have got his signatures on some blank and printed papers including pro note and receipt. The petitioner filed an application for permission to lead additional evidence by summoning record from the Market Committee, Fazilka, which has been dismissed by the trial Court on the ground that the petitioner is trying to delay the proceedings.

2. The correctness of the aforesaid order is challenged before this Court.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.



4. The learned counsel representing the petitioner submits that the plaintiff (respondent herein) runs two firms namely M/s P.P. Traders and M/s P.P. Commission Agent. He submits that in order to prove that the petitioner was selling the crops through the plaintiff's firm, the record maintained by the Market Committee is necessary.

5. The last submission of the learned counsel representing the respondent is that the petitioner has already availed 14 opportunities.

6. Per contra, the learned counsel representing the respondent submits that the revision petition is not maintainable. He further submits that even the application for additional evidence was not maintainable because the defendant's evidence was closed vide order dated 17.07.2023. He further submits that there is a delay of three months in filing the application for additional evidence and if the revision petition is allowed, the order dated 17.07.2023, shall stand set aside, which has not been challenged.

7. This Court has considered the submissions of the learned counsel representing the parties.

8. The Courts have been established to impart justice to the litigants. In order to achieve that object, the rules of procedures are required to be interpreted in a manner, which advance the cause of justice. The justice is never one sided.

9. In this case, the petitioner claims to be an agriculturist/farmer, whereas, the respondent is alleged to be working as a commission agent. Whatever agricultural produce is brought by the agriculturist to the market yard, it is required to be sold through the commission agent, who usually also lends money to the farmers. In order to prove that the petitioner was selling his agricultural produce through the respondent, production of the

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record maintained by the Market Committee is necessary. In such circumstances, the trial Court took a narrow view of the matter while dismissing the application. With respect to the objection of the learned counsel representing the respondent, it may be noticed that a revision petition against the interlocutory order passed by the trial Court is maintainable. The attention of the Court has not been drawn to any provision which debars the maintainability of application for additional evidence after the evidence has been closed by the Court. Moreover, for allowing the application for additional evidence, the defendant is not required to challenge the correctness of order by which his evidence was closed.

10. As regards the last submission of the learned counsel representing the respondent, if the evidence sought to be produced is relevant for the decision of the case, the Court should not debar the party to produce the same only on technical ground particularly when the suit is pending before the trial Court i.e. first stage of litigation.

11. Keeping in view the aforesaid facts, the revision petition is allowed. The order dated 06.02.2024, is set aside.

12. All the pending miscellaneous applications, if any, are also disposed of.

May 07th, 2024

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**(ANIL KSHETARPAL)
JUDGE**

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