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

CR-4706-2014

Date of decision: 19.02.2025

M/s Gaba Trading Company

...Petitioner

Versus

Satish Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mohit Garg, Advocate for the petitioner.

Mr. Munish Gupta, Advocate and
Mr. Akash Mehta, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 09.07.2014 (Annexure P-1) passed by the ACJ (SD), Kurukshetra, whereby the prayer of the respondent-plaintiff for leading rebuttal evidence has been allowed.

2. On 22.07.2014, a Coordinate Bench of this Court was pleased to pass the following order:-

“Present: Mr. Rajiv Sidhu, Advocate for the petitioner.

The petitioner is the defendant in the suit. His evidence stands closed. The case was adjourned for rebuttal and arguments. After the defendant's evidence was led, the plaintiff



made an oral request that some documents issued by the defendant are to be produced in rebuttal evidence without explaining the nature of those documents and their relevance to the case. This prayer has been accepted by the learned trial Court in its order dated 09.07.2014, impugned in this petition.

Learned counsel states that the request was oral and no application was moved for additional evidence etc. In these circumstances, learned counsel for the petitioner is unable to explain to this Court as to what those documents are or mean in the context of the lis.

Counsel further submits that such a request cannot be made by way of an oral statement before the trial Court. Not only that such an oral request should not be acceded to but also cannot be encouraged without it being in writing and inviting a reply from the opposite party if it wishes to contest such a plea. It is also well settled that a party cannot be taken by surprise in the Court.

Notice of motion returnable on 26.09.2014.

Operation of the impugned order shall remain stayed till further orders.

July 22, 2014”

3. Learned counsel for the respondent has submitted that the documents which are sought to be produced are very necessary for the proper and final adjudication of the case but in view of the objection raised by learned counsel for the petitioner, as noticed in the order dated 22.07.2014, the impugned order be set aside and liberty be granted to the respondent to move an appropriate application for producing the said documents on record, in accordance with law.

4. Keeping in view the abovesaid facts and circumstances and fair stand taken by learned counsel for the petitioner as well as learned counsel



for the respondent, the impugned order dated 09.07.2014 is set aside. Liberty is granted to the respondent to move an appropriate application to bring on record the documents in question.

5. It is made clear that in case any such an application is filed then it would be open to both the parties to raise all the pleas, in accordance with law, in support of and against the said documents/application.

6. In view of what has been observed above, the present revision petition is disposed of.

19.02.2025
Pawan

(VIKAS BAHL)
JUDGE

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