



CR-8669-2025

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

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CR-8669-2025

Date of decision :11.12.2025

SHYAM KAUSHIK

... PETITIONER

VERSUS

JAGDISH SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rajinder Kumar Singla, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. The petitioner is aggrieved by impugned order dated 04.11.2025 (Annexure P-13) passed by learned Civil Judge (Junior Division), Mansa whereby application for additional evidence preferred by the plaintiff-respondent was allowed by recalling him as PW-1.
2. It was the simple case of the plaintiff-respondent that he had appeared as PW-1 and was partly cross-examined. His cross-examination was deferred for want of records. However, on subsequent dates, the evidence of the plaintiff-respondent was closed on the basis of a statement made by his counsel, vide order dated 25.07.2025. Thereafter, it came to his notice that his cross-examination had not been completed. Accordingly, the plaintiff-respondent moved an application for leading additional evidence, which was allowed vide the impugned order dated 04.11.2025. By virtue of the said order, the plaintiff-respondent has been granted an opportunity to appear for further cross-examination.



3. In the facts and circumstances of the present case, particularly in view of the fact that the plaintiff-respondent had earlier appeared for cross-examination and the same was deferred due to non-availability of records, it cannot be held that the impugned order suffers from any infirmity. The impugned order is in accordance with law. The substantive rights of the parties should not be curtailed on account of procedural issues or defects.

4. However, it is made clear that unnecessary adjournments for the cross-examination of PW-1 shall not be granted by the Court, and the cross-examination shall be concluded within the next 15 days. It is further clarified that the defendant-petitioner shall have the right to lead defence evidence afresh to rebut the evidence of PW-1.

5. Learned counsel for the petitioner has relied upon the following judgements in support of his arguments:

- (i) ***Ram Rati Vs. Mange Ram (D) Thr Lrs. & Ors.***, 2016 AIR Supreme Court 1343.
- (ii) ***M/s Bagai Construction Thr. Its Proprietor Mr. Lalit Bagai Vs. M/s Gupta Building Material Store***, 2013 AIR Supreme Court 1849.

6. Learned counsel for the petitioner has further argued that additional evidence cannot be permitted to fill up the lacunae. However, as noticed above, the present case reflects an inadvertent mistake on the part of the plaintiff-respondent and is not a situation where the plaintiff is attempting to fill up any lacunae in his case.

7. In view of the above discussion, there is no merit in the revision petition, and the same is accordingly dismissed. Since the matter has been pending before the learned Trial Court since 2023, it is directed that the case be decided



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expeditiously after the conclusion of the evidence of the parties, in accordance with law.

11.12.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No