



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

CR-1653-2025(O&M)
Date of decision: 03.02.2026

Nirmal Kumar

... Petitioner

Versus

Ravinder Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Arvinder Arora, Advocate,
for the petitioner.

Mr. Yadvinder Singh Turka, Advocate,
for respondent No.1.

VIKRAM AGGARWAL, J. (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 07.03.2025, passed by the Court of Additional Civil Judge (Sr. Divn.), Ambala, vide which the application filed by the petitioner for adducing secondary evidence, at the stage of rebuttal evidence, was dismissed.

2. The petitioner/plaintiff instituted a suit (Annexure P-2) for recovery of Rs.10,00,000/- against the respondent/defendant (Ravinder Kumar) in the year 2016.

3. Written statement (Annexure P-3) was filed. Concededly, after framing of issues, both sides led their respective evidence. When the case was at the stage of rebuttal evidence, an application (Annexure P-4) was moved by the plaintiff for proving the receipt of Rs.10,00,000/- by way of secondary evidence. It was averred in the application that upon inspection of



the case filed, it was found that due to inadvertence the receipt dated 28.02.2014 was not made a part of the list of documents tendered by the plaintiff and when the plaintiff tried to locate the receipt, it was found to be untraceable. However, a photocopy of the same was available. Under the circumstances, it was prayed that the said receipt be permitted to be produced in rebuttal evidence by leading secondary evidence.

4. The application was opposed. The trial Court dismissed the said application vide order dated 17.03.2025, leading to the filing of the instant revision petition.

5. I have heard learned counsel for the parties.

6. Learned counsel for the petitioner submits that the trial Court erred in dismissing the application and that no prejudice would be caused to the respondents if the same is allowed.

7. Per contra, learned counsel for respondent No.1 submits that there is no illegality in the impugned order, and that once the evidence was not led in the affirmative, permission cannot be granted to lead the same evidence in rebuttal.

8. Having considered the submissions made by learned counsel for the parties, this Court finds that there is no illegality in the impugned order. The plaintiffs were supposed to lead their evidence in the affirmative, and inadvertence cannot be a ground to subsequently allow leading of the same evidence in rebuttal. Still further, no foundation was laid in the pleadings as regards the loss of the receipt, and even in the application, only vague averments were made. Nothing prevented the plaintiffs from leading the said evidence when their evidence in the affirmative was going on. It has



to be borne in mind that the suit was instituted in the year 2016. After availing a number of opportunities, the plaintiffs' evidence was closed on 23.12.2024 and the evidence of the defendant was closed on 03.02.2025. Thereafter, the matter was fixed for rebuttal evidence on 07.02.2025, during which also, sufficient opportunities were availed before the application in hand was moved.

9. If one considers the chronology of events, no occasion arises to permit the production of the said evidence. That being so, the instant revision petition is found to be devoid of merit and is accordingly dismissed.

10. Pending application(s), if any, also stands disposed of.

(VIKRAM AGGARWAL)
JUDGE

February 3, 2026

Rajan

Whether speaking / reasoned:

Yes/No

Whether Reportable:

Yes/No