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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CR-5516-2024 (O&M)****Date of Decision : 06.02.2026**

Jagdish Chander (deceased) through his LR

... Petitioner

Versus

Surinder Pal

... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. B.D. Sharma, Advocate for the petitioner.

Mr. Puneet Jindal, Senior Advocate with
Mr. Rahul Bansal, Advocate for the respondent.**ALKA SARIN, J. (Oral)**

1. Prayer in the present revision petition is limited to the extent that three applications being an application for amendment of the plaint; secondly for leading additional evidence; and thirdly for framing of the additional issues, may be decided before hearing the appeal.

2. Learned counsel for the petitioner would contend that three separate applications were filed; one for framing of additional issues (Annexure P-5); secondly, for leading additional evidence (Annexure P-4); and thirdly for amendment of the plaint (Annexure P-3). It is further the contention that the Trial Court vide the impugned order dated 04.09.2024 had directed that all the applications be disposed off alongwith the main appeal or before the arguments on the main appeal. Learned counsel for the petitioner would further contend that atleast the applications for amendment of the plaint and for framing of additional issues ought to have been decided either way.

3. *Per contra* learned senior counsel appearing on behalf of the respondents would contend that the order dated 04.09.2024 is totally valid and legal and it is a settled proposition of law that application for additional evidence should be heard with the main appeal. The application for amendment of the plaint filed by the plaintiff-petitioner herein is nothing but for supporting material for such additional evidence. It is further the contention that the order is totally innocuous and does not determine the rights of the parties. Learned senior counsel would further contend that that the applications have been filed only to cause delay as the appeal was preferred in the year 2018 and the applications have been filed in the year 2023 that too when the case was fixed for arguments. In support of his contention, he has relied upon judgment of the Hon'ble Supreme Court in the case of **State of Rajasthan vs. T. Sahani [2001 (2) RCR (Civil) 419]**.

4. Heard.

5. In the present case vide the impugned order dated 04.09.2024 the First Appellate Court has adjourned the appeal for arguments on the main appeal and on the aforesaid three applications. Two of the applications i.e. one under Order VI Rule 17 CPC for amendment of the plaint and other for framing of additional issues ought to have been decided by the First Appellate Court either way before final hearing of the appeal inasmuch as in case application for amendment of the plaint is allowed, the defendant-respondents would have to be given an opportunity to file their amended written statement and further if application for framing of additional issues is allowed by the First Appellate Court, the same may also entail ancillary proceedings.

6. So far as third application for leading additional evidence is concerned, the same is no doubt to be considered at the time of hearing the appeal on merits so as to find out whether the documents or evidence sought

to be adduced have any relevance/bearing on the issues involved, in view of the observations of Hon'ble Supreme Court in case of **Malayalam Plantations Ltd. vs. State of Kerala & Anr. [2011 (3) RCR (Civil) 609]**.

7. There is no dispute regarding the judgment of the Hon'ble Supreme Court in case of **State of Rajasthan vs. T. Sahani** (supra) relied upon by learned senior counsel appearing on behalf of the respondents. In that case the application under Order VI Rule 17 CPC was filed for amendment of the grounds of appeal before the High Court alongwith application under Order XLI Rule 27 CPC for additional evidence and both the applications were dismissed. However, in the present case, the application under Order VI Rule 17 CPC has been filed for amendment of plaint before the First Appellate Court besides the above two applications. The First Appellate Court vide the impugned order has still not decided the said applications and merely adjourned the case for arguments on the appeal as well as on the above three applications.

8. In view of the above, the present revision petition is disposed off with a request to the First Appellate Court to decide two of the applications - one under Order VI Rule 17 CPC for amendment of the plaint and other for framing of additional issues - before hearing the appeal on merits and the third application for leading additional evidence can be decided at the time of final hearing of the appeal on merits. Pending applications, if any, also stand disposed off.

06.02.2026
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO