



CR-3916-2024 (O&M) [1]

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

**CR-3916-2024 (O&M)
Date of Decision: 21.04.2026**

Raj Singh (deceased) through his LR and ors.

.....Petitioners

Versus

Gurmeet Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Swarn Tiwana, Advocate
for the petitioners.

Mr. Jaskanwal Singh Grewal, Advocate
for the respondent.

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HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 02.07.2024 passed by the learned Additional Civil Judge, (Senior Division), Fatehgarh Sahib, whereby an application filed on behalf of the petitioners/ defendants for seeking permission to lead additional evidence in the form of Bank statement of deceased petitioner Raj Singh reflecting an entry of receipt of Rs.5 lakhs from the mother of respondent/ plaintiff, was declined.

2. Briefly stating, based on an alleged agreement to sell dated 10.05.2016, the respondent/ plaintiff filed a suit for possession by way of specific performance against the petitioner while claiming that the total sale consideration was Rs.14 lakhs, out of which Rs.9.90 lakhs was paid as earnest money, with the balance sale



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consideration of Rs.4.10 lakhs to be paid at the time of execution of sale deed.

3. Upon appearance, the petitioners/ defendants denied the execution of alleged agreement while stating that in fact the respondent/ plaintiff was engaged in the business of lending money and that in the year 2015, owing to financial need, petitioners/ defendants borrowed some amount from the respondent/ plaintiff, whereupon certain documents were got signed as security.

4. Based on the pleadings of the parties, issues were framed. The evidence of the respondent/plaintiff got concluded on 18.03.2023 and thereafter the evidence of petitioners commenced on 19.04.2023. However, having availed sufficient opportunities, the evidence of the petitioners was closed by Court order. Immediately, thereafter, the petitioners filed an application before the learned trial Court on 22.05.2024 thereby seeking permission to lead additional evidence in the form of bank statement of Raj Singh (since deceased). The said application was dismissed by the learned trial Court vide order dated 02.07.2024. Hence, the present revision petition.

5. I have heard learned counsel for the parties and gone through the paper-book.

6. A perusal of the written statement filed on behalf of the petitioners shows that specific pleadings were raised therein to the effect that the respondent/ plaintiff was doing the business of lending



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money on interest and during march 2015, he agreed to advance some loan subject to thumb marking and signing of certain papers towards security.

7. In such circumstances, without commenting upon the merits of such pleadings or even the evidentiary value of the document sought to be adduced in the form of bank statement of deceased Raj Singh; allegedly reflecting an entry of Rs.5 lakhs from the mother of respondent/ plaintiff, appears to be relevant for the purpose of conclusive determination of the rights of the parties to the present *lis*.

8. Undoubtedly, there has been some delay on the part of the petitioners, in filing the application for seeking permission to lead additional evidence as the same could have been easily led at the time of recording of their evidence in affirmative. However, adopting a pragmatic approach rather than a hyper-technical one, the impugned order passed by the learned trial Court, is set aside, thereby granting one effective opportunity to the petitioners so as to lead additional evidence in the form of Bank statement of deceased Raj Singh, subject to payment of costs of Rs.25,000/-, which shall be deposited by the petitioners with the trial Court on the date fixed and shall be disbursed in favour of respondent-plaintiff. Thereafter, the learned trial Court shall fix a date for the petitioners to lead additional evidence as recorded herein.

9. Disposed off accordingly.



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10. Pending miscellaneous application(s), if any, shall also stand disposed of.

21.04.2026
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No