



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

(254)

**CR No. 8028 of 2018 (O&M)
Decided on: 25.03.2025.**

Sanjay and another

...Petitioners

Vs

Rajpal and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. S.S.Ghangas, Advocate
for the petitioners.

Mr. Suryakant Gautam, Advocate
for the respondents.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition is directed against the order dated 19.11.2018, passed by the Court of learned Civil Judge (Jr. Division), Panipat, vide which the application filed by respondent/defendant no.1 for leading additional evidence was allowed.

2. The facts, as emanating from the revision petition are that the petitioners/plaintiffs filed a suit for possession and permanent injunction. After the evidence of both sides had concluded and the case was fixed for rebuttal evidence and arguments, an application (Annexure P-2) was moved by the respondents/defendants for leading additional evidence. It was averred in the application that previously Sh. Surinder Singh had been engaged as a counsel but subsequently, upon change of counsel, it came to the knowledge of the respondents/defendants that certain documents essential for the just decision of the case had not been produced in evidence. The said evidence was opposed by way of reply (Annexure P-3). It was



averred in the reply that the application was a misuse of the process of law and despite having availed 20 opportunities for leading their evidence, the said documents were not produced. It was averred that the documents were being sought to be produced with a view to fill up the lacuna in the case. However, by way of the impugned order, the application was allowed leading to the filing of the present revision petition.

3. I have heard learned counsel for the parties.

4. Learned counsel for the petitioners submits that learned trial Court erred in allowing the application. He submits that the application was moved at the fag end of the trial and despite having availed ample opportunities, the documents were not produced in evidence earlier. He submits that under the circumstances, the order is not sustainable.

5. *Per contra*, learned counsel for the respondents submits that the documents sought to be produced are *per se* admissible in evidence and no oral evidence would be required to be produced in evidence. He submits that the said documents are essential for the just decision of the case and that even otherwise great prejudice would be caused to the petitioners if the said documents are not permitted to be produced on record by way of additional evidence.

6. I have considered the submissions made by learned counsel for the parties.

7. No doubt, the application for additional evidence was filed at the fag end of the trial. It is also not in dispute that ample opportunities were availed by the respondents/defendants to lead and conclude their evidence. However, at the same time, it also has to be borne in mind that the additional



evidence sought to be produced is only in the form of documents *viz* certified copies of judgments, revenue record, photograph etc. and the application for producing the said documents was moved shortly after the evidence of the respondents/defendants was closed. No oral evidence is stated to be required to prove the said documents. Even otherwise, no prejudice would be caused to the petitioners if the said documents are ordered to be produced on record, for, no oral evidence is being permitted to be produced and further, as to whether the documents are relevant for the purpose of the decision of the case or not shall be decided by the Court concerned at the time of decision of the suit. The admissibility of the said documents in evidence shall also, of course, be decided by the Court concerned at the relevant stage. I do not find any illegality in the impugned order warranting interference.

In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

March 25, 2025

Rekha

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