



CR-1241-2025

-1-

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

(121)

CR-1241-2025

Date of decision: - 29.04.2025

Durga Devi (deceased) through her LRs

...Petitioner

Versus**Bhagwanti Devi (deceased) through her LRs**

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Inderjit Sharma, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 31.01.2025 (Annexure P-4) whereby the application of the petitioner/defendant for leading additional evidence has been dismissed.

2. Learned counsel for the petitioner has submitted that the petitioner wishes to produce the copy of collector rate list in additional evidence and the application filed by the petitioner for additional evidence has been illegally rejected by the trial Court vide order dated 31.01.2025 (Annexure P-4). It is prayed that the impugned order be set aside and the said application filed by the petitioner be allowed.



CR-1241-2025

-2-

3. This Court has heard learned counsel for the petitioner and has perused the paper-book and finds that the impugned order is in accordance with law and deserves to be upheld and the present revision petition being meritless, deserves to be dismissed for the reasons detailed hereinafter.

4. It is not in dispute that the respondent had filed a suit for specific performance and possession in the year 2017. A perusal of the impugned order dated 31.01.2025 (Annexure P-4), vide which the application filed by the petitioner for additional evidence was rejected, would show the fact that 17 effective opportunities had been granted to the petitioner to lead evidence and her evidence was closed vide order dated 07.12.2021. It was further observed that in case the petitioner wanted to place on record any document qua market value or the circle rate of the suit property, she should have done so when her evidence was being led as she had taken a specific defence to the said effect in the written statement and that since there was no due diligence on the part of the petitioner, thus, the application for additional evidence was dismissed. The observations made in the said order have not been disputed before this Court.

5. Order 18 Rule 17 A of the CPC which provided for production of evidence not previously known or which could not be produced despite due diligence has already been deleted from the Code of Civil Procedure 1908. Thus, there is no right to lead additional evidence.

6. Moreover, since in the present case, it could not be disputed

**CR-1241-2025****-3-**

that as many as 17 effective opportunities had been granted to the petitioner to lead evidence and her evidence was closed on 07.12.2021, thus, in case the evidence with respect to circle rate was to be led, the same should had been led by the petitioner while leading her evidence. Apparently, the application has been filed by the petitioner to delay the suit for specific performance and possession filed by the respondent.

7. Keeping in view the above-said facts and circumstances, the impugned order deserves to be upheld and is upheld and the present revision petition being meritless, deserves to be dismissed and is accordingly dismissed.

April 29, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
Yes