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

CR-6262-2025 (O&M)

Date of Decision : 09.09.2025

Darshan Singh (deceased) through LRs ... Petitioner(s)

Versus

Parminder Kaur & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. L.S. Sidhu, Advocate for the petitioners.

Mr. Shailesh Aggarwal, Advocate for respondent No.1.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the impugned order dated 29.08.2025 (Annexure P-6) whereby the application for additional evidence to produce certified copies of order dated 14.10.2022 and statement dated 06.04.2013, has been dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondent Nos.1 and 2 herein filed a suit for possession by way of specific performance of agreement to sell dated 22.12.2012. The defendant-petitioners herein filed their written statement and despite 10 opportunities they failed to conclude their evidence and the evidence was closed by the Court vide order dated 15.02.2019. Aggrieved by the same a civil revision being CR-2132-2019 was filed which was disposed off by this Court vide order dated 25.03.2025 granting the present defendant-petitioners one last opportunity to

conclude their evidence at their own risk and responsibility subject to payment of costs. After the passing of the order dated 25.03.2025, the defendant-petitioners herein appeared on 15.04.2025 and paid the costs. On the said date an application was moved by the defendant-petitioners for inspecting the judicial file by the handwriting expert in order to take photographs of the signatures of deceased – Darshan Singh. The plaintiff-respondent Nos.1 and 2 gave their no objection and accordingly the application was allowed. On 17.04.2025 the Expert took photographs. On 28.04.2025 the examination-in-chief of DW1 was concluded and the matter was adjourned for his cross-examination. On 14.05.2025 no DW was present and the case was adjourned on the request of the learned counsel for the defendant-petitioners subject to last opportunity. Yet again on 28.05.2025 no DW was present and subject to last opportunity the matter was adjourned to 14.07.2025. On 14.07.2025, when the matter was fixed for cross-examination of DW1, an application was moved for adjournment on the ground that the handwriting and fingerprint expert had met with an accident and he was unable to appear before the Court. Yet again the matter was adjourned to 28.07.2025. On 28.07.2025 DW3 was present and examined and learned counsel on behalf of defendant Nos.1(i) and 1(iii) closed his evidence. Subsequently, on 18.08.2025 an application was filed for granting permission to lead additional evidence. Reply was filed to the said application and vide the impugned order dated 29.08.2025 (Annexure P-6) the application has been dismissed. Hence, the present revision petition.

3. Learned counsel for the defendant-petitioners would contend that he only wants to tender the certified copies of the order passed in the criminal case dated 14.10.2022 and the statement dated 06.04.2013 and therefore the

application ought to have been allowed.

4. *Per contra* learned counsel for the plaintiff-respondent No.1 would contend that the conduct of the defendant-petitioners needs to be seen in the present case inasmuch as despite availing 10 opportunities the defendant-petitioners did not lead their evidence and thereafter when their evidence was closed they approached this Court by filing CR-2132-2019 which was allowed vide order dated 25.03.2025 giving them an opportunity to lead their evidence. Even thereafter, numerous dates were taken and despite no DW being present, final opportunity was granted by the Trial Court and the matter was adjourned. After closing their evidence voluntarily, the defendant-petitioners have filed the present application for additional evidence, hence, the same has rightly been dismissed.

5. I have heard the learned counsel for the parties.

6. In the present case, the defendant-petitioners seem to be adopting dilatory tactics. The evidence of the defendant-petitioners was closed vide order dated 15.02.2019 which was challenged before this Court by filing CR-2132-2019 which was allowed vide order dated 25.03.2025 granting an opportunity to the defendant-petitioners despite having availed 10 opportunities already to lead their evidence at their own risk and responsibility subject to payment of costs. Even thereafter, they took repeated adjournments for concluding their evidence as is apparent from the zimni orders dated 14.05.2025, 28.05.2025 and 14.07.2025 which have been handed over in Court today by the learned counsel for the plaintiff-respondent No.1. The evidence of the defendant-petitioners was voluntarily closed by the counsel on 29.07.2025. Thereafter, the present application has been moved for producing certified copies of the order dated 14.10.2022 and the statement

dated 04.06.2013. The order now sought to be produced is dated 14.10.2022 and the statement is dated 04.06.2013 which were both well within the knowledge of the defendant-petitioners when CR-2132-2019 was allowed on 25.03.2025. Despite the opportunity having been given and despite even thereafter availing numerous opportunities, the defendant-petitioners failed to lead their evidence. In view thereof, no fault can be found with the impugned order dated 29.08.2025 passed by the Trial Court dismissing the application for additional evidence.

7. In view of the above, I do not find any merit in the present revision petition. The same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

09.09.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

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