



CR-4417-2024 (O&amp;M)

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

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**CR-4417-2024 (O&M)  
Reserved on :- 11.08.2025  
Pronounced on:-12.08.2025**

Ram Kumar

...Petitioner

VERSUS

Smt. Veena Rani

...Respondent

**CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. D.S.Matya, Advocate for the petitioner.

Mr. Vikrant Pamboo, Advocate for the respondent.

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**MANDEEP PANNU J.**

1. The petitioner/plaintiff has assailed the impugned order dated 22.07.2024 passed by the learned Civil Judge (Junior Division), Ambala, whereby the application filed by the respondent/defendant under Section 151 CPC for leading additional evidence was allowed.

**SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONER**

2. Learned counsel for the petitioner/plaintiff submitted that in the suit for permanent injunction filed by the petitioner/plaintiff against the respondent/defendant, both parties were granted an opportunity to lead evidence, after framing of issues. Despite availing ten opportunities, the respondent/defendant failed to conclude her evidence, leading to closure of her evidence by the court order dated 04.03.2024.

3. It is urged that the said order attained finality as it was never challenged. Nevertheless, on 10.07.2024, the respondent moved an application



under Section 151 CPC seeking permission to lead additional evidence by producing a copy of the sale deed dated 20.09.1968 and a site plan. The petitioner contends that:

1. The said documents had no foundation in the pleadings.
2. The applicant failed to indicate the evidentiary value of the proposed documents.
3. The trial Court, without recording reasons or passing a speaking order, allowed the application and took the documents on record as Ex.DA, without even recording the statement of learned counsel for the defendant.
4. It is argued that such an order reflects non-application of mind, and that the inherent powers under Section 151 CPC could not be invoked to circumvent the closure of evidence, particularly when the statutory cap on opportunities under Order XVII Rule 1 CPC had already been exhausted.

#### **SUBMISSIONS OF LEARNED COUNSEL FOR THE RESPONDENT**

5. Learned counsel for the respondent/defendant submitted that while preparing the case for arguments, it came to his notice that the sale deed pertaining to the purchase of the land and the sanctioned site plan had not been produced earlier due to inadvertence and oversight. It is contended that the documents are necessary for a just and proper adjudication of the suit and would not change the nature of the case.

#### **FINDINGS**

6. I have considered the rival submissions and perused the record.
7. The record reveals that despite availing ten opportunities, the respondent failed to conclude her evidence. The order dated 04.03.2024



specifically records that several effective opportunities, including the last opportunity, had already been granted, yet the evidence was not concluded. Consequently, no further adjournment was granted, and the evidence was closed by court order. The case was thereafter adjourned for arguments. It is significant to note that the said closure order was never challenged and thus attained finality. The application for leading additional evidence was therefore not maintainable in the garb of Section 151 CPC.

8. Coming to the merits of the application, the learned trial Court allowed the application in a cryptic manner, merely observing:

*“Arguments on application filed by applicant/defendant under Section 151 CPC for leading additional evidence heard. Keeping in view the facts mentioned in the application as well as facts contained in the application, the same stands allowed. Document Ex.DA tendered in additional evidence of the defendant.”*

9. Such an order is wholly non-speaking, fails to disclose any reason regarding the relevancy or admissibility of the documents, and demonstrates clear non-application of mind.

10. The Hon’ble Supreme Court in ***M/s Shiv Cotex Vs. Tirgun Auto Plast P. Ltd & Others AIR 2011 SC (Civil) 2557***, observed as under:-

*“ A party to the suit is not at liberty to proceed with the trial at its leisure and pleasure and has no right to determine when the evidence would be let in by it or the matter should be heard. The parties to a suit – whether plaintiff or defendant – must cooperate with the court in ensuring the effective work on the date of hearing for which the matter has been fixed. If they don’t, they do so at their own peril.”*



11. The ratio of the above judgment squarely applies to the facts of the present case. Here too, despite closure of evidence by a judicial order, in which it has been categorically observed that despite availing several effective opportunities, defendant has failed to conclude the evidence. The trial Court has erroneously allowed the application, without demonstrating any necessity or relevancy of the proposed documents for adjudication of the dispute.

**Conclusion**

12. The impugned order dated 22.07.2024 is unsustainable in law, having been passed in violation of the settled principles of law and without proper application of mind. Accordingly, the impugned order is set aside. The present revision petition stands allowed.

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

August 12, 2025  
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**(MANDEEP PANNU)**  
**JUDGE**

Whether speaking/non-speaking : Speaking  
Whether reportable : Yes/No