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

(128)

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Date of Decision:-01.09.2025

Swaran Singh Saggu (since deceased) through his LRs

.....Petitioner

Versus

Smt. Mohan Kaur Rayat @ Monee and Others

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

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Present: Mr. Viren Jain, Advocate, with  
Ms. Tarranum Madan, Advocate, with  
Ms. Jyoti Negi, Advocate,  
for the petitioners.

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**AMARINDER SINGH GREWAL, J. (Oral)**

1. The present revision under Article 227 of the Constitution of India against the impugned order dated 15.07.2025 (Annexure P-10) passed by the Court of learned Civil Judge (Junior Division), Phagwara in case titled as '*Swaran Singh Saggu versus Mohan Kaur Rayat @ Monee & Ors*' bearing CNR No.PBKPA00005182015, whereby an application (Annexure P-8) filed by petitioner/plaintiff to lead additional evidence, has been rejected.

2. Brief facts of the case are that the petitioner-plaintiff filed a suit for declaration that he is the owner of the suit property and that the sale deed executed by defendant No.1 was without consideration. He also challenged mutation No.33802/1 sanctioned in favour of defendant No.1 as void, and sought possession of the suit property along with permanent injunction. The defendants contested the suit by filing their written statement. On **14.12.2016**, the trial Court



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framed issues. Thereafter, the petitioner led his evidence and on **19.07.2017** closed the same before the trial Court.

3. Subsequently, the petitioner filed an application under Section 151 CPC seeking to tender the following documents by way of additional evidence:

- a) Apostilled police logs dated 27.01.2007 to 28.01.2007;
- b) Attested copy of death certificate of Mehanga Ram, Nambardar;
- c) Death certificate of Sh. Swaran Singh Saggu (plaintiff);
- d) Certified copy of the affidavit in evidence of Mehanga Ram Nambardar; submitted while exparte proceedings in the suit;
- e) Notarized copies of deceased plaintiff's previous passports.

4. The trial Court dismissed the application, after hearing both the counsels, on the ground that the application was filed at the stage when the matter has reached at the fag end of the trial and was fixed for final arguments and no plausible reason was forthcoming as to why the documents were not produced earlier.

5. Learned counsel for the petitioner argued that the petitioner now seeks to tender only the aforesaid documents by way of additional evidence, without leading any oral deposition. It was contended that since the petitioner was residing abroad in the United Kingdom, the said documents could not be produced earlier, inadvertently on the case file. It was further submitted that the documents are material and necessary for the just and proper adjudication of the controversy between the parties, and therefore, the application ought to have been allowed, however, the trial Court erred in declining the application.

6. I have heard learned counsel for the petitioner and perused the paper book.



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7. A perusal of the case file reveals that the issues were framed by the trial Court vide order dated 14.12.2016 and thereafter, petitioner-plaintiff himself closed his evidence on 19.07.2017, which categorically reveals that the application was nothing but an attempt to fill lacunae in the plaintiff's case. It was pointed out in the impugned order dated 15.07.2025, passed by the trial Court that between **14.12.2016 to 19.07.2017**, the case was adjourned for more than 30 times, during which period several applications were filed by the petitioner but there is no bar on the plaintiff to lead his evidence and hence, the rejection of the application was fully justified.

8. It is undisputed that the petitioner had sufficient opportunities to produce his entire evidence before the trial Court. After consciously closing his evidence on **19.07.2017**, the present application has been filed by the petitioner, belatedly at the stage of final arguments. The Hon'ble Supreme Court in *Vadiraj Naggapa Vernekar (dead) v. Sharadchandra Prabhakar Gogate*, (2009) 4 SCC 410, held that the provisions under Order 18 Rule 17 CPC is to be sparingly exercised and in appropriate cases and not as a general rule merely on the ground that his recall and re-examination would not cause any prejudice to the parties and that is not the scheme or intention of Order 18 Rule 17 of Civil Procedure Code.

9. Similarly, in *M/s Bagai Construction v. M/s Gupta Building Material Store*, 2013 AIR (SCW) 1564, the Hon'ble Supreme Court held that where the applications for additional evidence filed at the belated stage, after conclusion of evidence and at the stage of final arguments and the plaintiff cannot be permitted to file such applications to fill the lacunae in its pleadings and evidence led by him. It was categorically held that as rightly observed by the trial Court, there is no acceptable reason or cause which has been shown by the plaintiff as to why these documents were not placed on record by the plaintiff during the entire trial.

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10. The law requires that, when an application is made at a belated stage, the applicant must satisfy the Court on three essential heads — (i) the pertinence and materiality of the evidence sought to be tendered (whether it is likely to have a real bearing on the adjudication); (ii) the explanation for the delay (why the document could not be and was not produced during the trial despite opportunities); and (iii) the absence of prejudice to the opposite party or, where prejudice exists, why that prejudice can be suitably compensated or cured without causing injustice. The balance among these considerations will depend on the facts of each case, including the stage at which the application is made.

11. Application of these principles to the present case leads to the conclusion that the learned trial Court did not err in exercising its discretion to refuse the belated application. The petitioner closed his evidence on 19.07.2017. The present application was moved after closure of evidence on 16.04.2025 and at the fag end of the trial when the matter was fixed for final arguments. The trial Court noticed that the matter had been adjourned on many occasions (more than thirty adjournments between 14.12.2016 to 19.07.2017) and yet, notwithstanding repeated opportunities, the petitioner never produced the impugned documents or placed on record any contemporaneous steps taken to procure them.

12. In the present case, the petitioner has not offered any satisfactory explanation as to why the documents in question, which were clearly within his knowledge, were not produced during the trial. Mere plea that the plaintiff was residing abroad is not a sufficient ground to permit additional evidence after closure of evidence. The record shows that the learned trial Judge considered the history of the case, the stage of proceedings, the long interregnum and multiple adjournments and the trial Court was fully justified in rejecting the application for leading additional evidence. No jurisdictional error or perversity is made out in



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the impugned order so as to warrant interference under Article 227 of the Constitution of India.

13. For the reasons recorded above, the present revision petition is found to be devoid of merit and is hereby **dismissed**, without commenting upon the merits of the main suit.

14. All pending application(s), if any, stand disposed of accordingly.

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

**01.09.2025**

*Shubham*

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No