



CR-1418-2025

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

(121)

CR-1418-2025

Date of decision:- 10.03.2025

Daropadi @ Daropdi**... Petitioner****Versus****Ram Parkash and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. H.K.Aurora, Advocate
for the petitioner.

SUVIR SEHGAL, J. (ORAL)

1. Petitioner-plaintiff has approached this Court under Article 227 of the Constitution of India impugning order dated 21.01.2025, Annexure P-1, passed by the learned Civil Judge (Junior Division), Jalandhar, whereby an application filed by her for leading additional evidence has been declined.
2. Mr. H.K.Aurora, counsel for the petitioner submits that the panchayat of the village has recently rented out some agricultural land and petitioner intends to produce copies of the Panchayat record to show the prevalent rate at which the land has been rented out. He contends that as these documents are essential for assessing the mesne profits, they may be permitted to be adduced as additional evidence.
3. I have heard counsel for the petitioner and considered his submission, besides examining the paper-book with his able assistance.

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4. Plaintiff filed a suit for mesne profits and damages against the respondents-defendants for illegal use and occupation of the suit land. She pleaded that an earlier suit for possession of the suit land filed by the plaintiff was accepted by the Trial Court vide judgment and decree dated 17.08.2007, which was affirmed upto High Court and a second appeal filed by the defendants was dismissed by this Court on 17.01.2020, Annexure P-2. It has been asserted that as possession of the suit land was not delivered to the plaintiff and she got the possession during the course of execution, she has claimed mesne profit and damages for unauthorized occupation of the land. Upon being served, suit is being contested by the defendants and by order dated 14.10.2022, Annexure P-4, Trial Court framed the issues. Plaintiff led evidence in support of her claim and her evidence was closed on 23.02.2023 and the defendants closed their evidence on 14.09.2023. An application, Annexure P-6, has been filed by the plaintiff for leading additional evidence to produce copies of the Panchayat record to establish the current rate of rent of the land in the village, which has been declined vide order under challenge herein.

5. A party cannot be permitted to lead additional evidence in normal routine. There is no specific provision for adducing additional evidence after the omission of Order 18 Rule 17A, CPC by virtue of amendment carried out in the Code in the year 2002. Although, plaintiff has alleged that the documents are necessary to determine the rental value of the land, but no reason has been given as to why these documents were not produced earlier. After availing numerous opportunities from October, 2022 to February, 2023, plaintiff closed

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her evidence. She had sufficient time to produce whatever evidence she deemed fit and proper. However, at the fag end of the trial, which is now fixed for rebuttal arguments, plaintiff cannot be permitted to fill in the lacuna or omission in her evidence and the application has been rightly rejected. There is no irregularity or infirmity in the order passed by the Trial Court.

6. Appeal being devoid of merit, is dismissed with no order as to costs.

10.03.2025
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No