



CR-6193-2025 (O&amp;M)

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

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**CR-6193-2025 (O&M)  
Decided on:- 08.09.2025**

Bimlesh Kumar

....Petitioner

VERSUS

Amarjit Kaur

....Respondent

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

Present: Mr. Aayush Gupta, Advocate for the petitioner.

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**MANDEEP PANNU J.**

1. The present Civil Revision Petition challenges the order dated 27.08.2025 passed by the learned Civil Judge (Junior Division), Ludhiana, whereby the application of the petitioner for permission to place on record/additional evidence i.e. certified copy of order dated 06.03.2025 was dismissed. The petitioner seeks setting aside of the said order and directions to the trial Court to receive the said document as additional evidence.

**Brief Fact**

2. The short and relevant facts, taken from the petition and the record, are as follows. The petitioner filed a suit for specific performance of an agreement to sell dated 01.03.2018 executed by the defendant in favour of the plaintiff in respect of a house, particulars of which are set out in the headnote of the plaint. The plaintiff prayed for a decree of specific performance by directing the defendant to execute and register a sale deed in favour of the plaintiff on receipt of the balance sale consideration of ₹3,00,000/-, and for permanent injunction restraining the defendant from alienating the suit property to anyone other than the



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plaintiff. The total sale consideration according to the plaint was ₹15,00,000/-, of which the plaintiff alleges that ₹12,00,000/- was paid to the defendant in the presence of marginal witnesses. The defendant disputed the claim and pleaded that the agreement is forged and that the plaintiff has no right, title or interest in the suit property.

3. It is alleged by the learned counsel for the petitioner that at the relevant point of time, the suit property was in the actual possession of one Parminder Kaur (mother-in-law of the petitioner). During the pendency of the proceedings, the respondent/defendant filed a rent petition against Parminder Kaur (impleading her as respondent No.2), claiming that she was a sub-tenant, and obtained an ex parte order dated 17.08.2018. Parminder Kaur challenged that order by way of a revision before this Court by filing CR No.410 of 2019, titled as “Parminder Kaur v. Amarjit Kaur & Anr.”. This Court vide order dated 07.12.2022 set aside the order dated 17.08.2018 passed by the learned Rent Controller, Ludhiana and directed the Rent Controller to decide afresh within six months. Thereafter, proceedings in the rent matter continued and a further order dated 19.05.2023 is reflected in the record. An appeal from that order was filed before the learned First Appellate Authority which, after delay, was directed by this Court to be decided. Ultimately the appeal was dismissed by order dated 07.02.2025.

4. Subsequent to the disposal of the said appeal, Parminder Kaur filed an application under Section 144 of the Code of Civil Procedure, 1908 (for short, ‘CPC’) praying for restitution of the status-quo/physical vacant possession and for restoration of possession of the property in question. The learned trial Court in the restitution proceedings passed an order dated 06.03.2025 directing restoration of possession in favour of Parminder Kaur, and the warrants for execution were



issued (the record reflects steps taken in execution during the course of 2024–2025). By the time these events crystallised, the parties in the suit for specific performance had closed their evidence. The evidence of the plaintiff evidence was closed on 27.01.2025 and evidence of the defendant was also closed by a subsequent order.

5. The petitioner thereupon filed an application in the suit for permission to place on record the certified copy of the order dated 06.03.2025 as additional evidence, on the ground that the said order was a subsequent development and material for adjudication of the suit. The learned trial Court vide its order dated 27.08.2025 dismissed the application. The trial Court observed that (i) the order dated 06.03.2025 could be judicially noticed at the stage of arguments even if relevant; and (ii) as the relief of restitution/possession had not been claimed in the plaint and as the order concerned restoration in favour of Parminder Kaur (who is not a party to the suit as plaintiff), the said document was not relevant for adjudicating the real controversy between the parties in the specific performance suit. Aggrieved, the petitioner has challenged that order by way of the present revision.

**Submissions of learned counsel for the petitioner**

6. Learned counsel for the petitioner contends that the order dated 06.03.2025 is a subsequent development which materially affects the right of the parties and therefore the trial court ought to have permitted it to be placed on record as additional evidence and that the order was passed during the pendency of the suit and after closure of evidence, and therefore it was incumbent upon the trial court to take it into account and refusal to place the order on record causes prejudice to the petitioner in his case for specific performance.



7. I have heard learned counsel for the petitioner and pursued the record.

8. The questions which arise for determination are:

(i) Whether the learned trial Court erred in dismissing the application to place on record the certified copy of order dated 06.03.2025 as additional evidence?

(ii) Whether the said order is necessary and relevant for adjudication of the lis between the parties to the suit for specific performance?

### **Findings**

9. It is well established in law that a Court has power to permit additional evidence in appropriate cases even after the closure of evidence, but such power is to be exercised sparingly and only where the proposed additional evidence is both relevant and necessary for proper adjudication and could not, with due diligence, have been produced earlier. The guiding considerations are (a) relevance of the document to the real controversy between the parties; (b) necessity of the document for deciding substantial questions in controversy; (c) whether the document relates to facts which have arisen subsequent to the trial and therefore could not have been produced earlier; and (d) whether the opposite party would suffer prejudice by the late production and whether such prejudice can be compensated.

10. Applying these principles to the facts of the present case, the following aspects are material.

i) First, the order dated 06.03.2025 deals with restitution/possession in favour of Parminder Kaur, a person who, as on date, is not the plaintiff in the suit for specific performance. The



suit in hand is primarily for specific performance of an agreement between the petitioner and the respondent and for injunction against alienation. The relief of restitution/possession in favour of a third person (even though she is the mother-in-law of the petitioner) is not a prayer made in the plaint. The document sought to be placed on record, therefore, does not, on its face, create any right in favour of the petitioner as plaintiff in the specific performance suit. It is aimed at restoration of possession to Parminder Kaur who is not before the court in the role of plaintiff in the present suit.

ii) Second, the trial court has correctly noted that an order passed by another learned court in proceedings between other parties can, if relevant, be noticed by the Court at the stage of arguments. The power to take judicial notice of the contents and existence of an order of a Court of competent jurisdiction is recognised. If the party wants the court to formally act upon the content of that order, it is open to advance argument on the said order. Permitting a separate late document to be read in as evidence when that document does not directly bear upon the core controversy between the parties would be an exercise of discretion that calls for caution.

iii) Third, the disputed document must be shown to be necessary for deciding the principal relief claimed in the plaint (specific performance). The central question in a suit for specific performance is whether the agreement is genuine, whether the petitioner performed his part (payment of consideration or readiness and willingness), and whether there are impediments to specific performance. The



restitution order in favour of Parminder Kaur, although it may explain a change in possession, does not, prima facie, bear on the authenticity of the agreement, the payment of consideration (which the petitioner says was made to the defendant), or the mutual contractual obligations under the agreement. The petitioner has not demonstrated how the restitution order would materially advance proof of his core cause of action beyond matters already in evidence.

iv) Finally, allowing additional evidence of the character of the order dated 06.03.2025 would invite examination into collateral issues which are not germane to the suit for specific performance and would delay final adjudication. The discretion to refuse such evidence was, therefore, exercised by the trial court in the interest of judicial finality and orderly conduct of the trial.

### **Conclusion**

11. In the view of the above, this Court finds no illegality, infirmity or perversity in the order dated 27.08.2025 passed by the learned Civil Judge (Junior Division), Ludhiana. Accordingly, the Civil Revision Petition being devoid of any merit is hereby dismissed and the impugned order dated 27.08.2025 passed by the learned Civil Judge (Junior Division), Ludhiana is upheld

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

September 08, 2025  
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**(MANDEEP PANNU)**  
**JUDGE**

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