

2025:PHHC:047987



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

CR-1859-2022(O&M)

Date of Decision: April 01, 2025

Gram Panchayat Bissar Akbarpur

...Petitioner

Versus

Dr.T.C.Rao and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Digvijay, Advocate for
Mr.Ashish Gupta, Advocate
for the petitioner.

Mrs.Pratibha Yadav, Advocate
for respondent No.1.

ARCHANA PURI, J.

Challenge in the present revision petition is to the order dated 04.02.2022 passed by learned Addl. Civil Judge (Sr. Divn.), whereby, an application for leading additional evidence, on behalf of petitioner, who is defendant No.12, before trial Court, was dismissed.

In pursuance of the notice issued, contesting respondent No.1 (plaintiff before trial Court) made appearance through counsel.

Learned counsel for the parties heard.

During the pendency of the suit for declaration and injunction, filed at the instance of respondent No.1-plaintiff, an application for leading

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additional evidence was filed, at the behest of petitioner-defendant No.12, thereby, making a prayer that despite due diligence, the petitioner could not examine some respectable person on behalf of Gram Panchayat and Halka Patwari and could not tender relevant documents, with regard to the revenue record. The witnesses and the documents are most important, to decide the case, for proper and just adjudication of the suit.

However, the claim for additional evidence, as such, is disputed by learned counsel for the respondent No.1-plaintiff, thereby, bringing it to the notice that when the case was at the fag end, the application for additional evidence was filed. Also, while making reference to the application itself, which is Annexure P-3, it is submitted by the counsel for respondent No.1 that the same is quite vague and it does not assign any reason for not leading any evidence, at the appropriate stage, when the case was fixed for recording of the evidence of the petitioner-defendant No.12.

In view of the submissions aforesaid and also as evident from the impugned order, the evidence of the petitioner-defendant No.12 was closed by order, only when despite availing several effective opportunities, the evidence was not concluded by the petitioner-defendant No.12. In the order dated 29.02.2020, it has been mentioned that no adjournment shall be granted to defendant No.12 for leading any evidence and then the case was fixed for final arguments. However, it was thereupon, an application for additional evidence was moved.

Also, it is specifically mentioned in the order that the case was adjourned to 26.02.2021, then to 19.03.2021, then to 23.04.2021 and then to

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06.08.2021, but no application was filed. Also, when the case was fixed for final arguments on 10.09.2021, no request in this regard was made. It was only on 12.11.2021, an application for seeking amendment was filed, which was allowed, upon no objection made by learned counsel for the defendants. Thereafter, application for leading additional evidence was filed.

Close perusal of the application also reveals that the general assertions have been made about the evidence could not be produced, despite due diligence. The application is absolutely, not making mention of any witness, who is required to be examined and the relevant documents, which are sought to be brought on record.

In the given circumstances, learned trial Court, very appropriately has not granted permission to lead additional evidence and the dismissed the application. Consequently, the impugned order calls for no further interference.

Hence, the revision petition sans merit and is hereby dismissed.

April 01, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No