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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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Date of decision:29.04.2025

RAJBIR

...PETITIONER

VS.

SHYAM MANOHAR AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jai Vir Yadav, Senior Advocate with  
Mr. Gursimrat Sandhu, Advocate for the petitioner.

Ms. Radhika Pathania, Advocate for  
Mr. Nilesh Bhardwaj, Advocate for the respondents.

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**SUVIR SEHGAL, J.**

1. Aggrieved of order dated 31.01.2023 passed by the learned Additional Civil Judge (Senior Division), Narnaul, Annexure P-1, whereby an application filed by the petitioner/defendant under Section 151 CPC for leading additional evidence has been dismissed, he has approached this Court by way of instant revision petition.

2. Mr. Jai Vir Yadav, learned senior counsel for the petitioner submits that the respondents/plaintiffs have filed a suit for specific performance of agreement to sell dated 14.10.2016, whereby land measuring 16 kanal was agreed to be sold for a consideration of Rs.32 lacs. He states that upon appearing, the petitioner/defendant filed the written statement, Annexure P-4, denying the agreement and took a stand that agreement between the parties was for sale of 01 kanal residential land for the said consideration. He submits that in order to prove the value of the land,



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defendant filed an application, Annexure P-2, for producing two agreements to sell dated 30.11.2015 and 29.07.2022 entered into between different parties qua the land situated in the same khewat number. He submits that the perusal of the two documents would enable the Court to assess the potential market value of the land. Counsel asserts that these documents were not to the knowledge of the defendant earlier and Trial Court has erred in rejecting the application by observing that the agreements have no connection with the parties to the suit. He has placed reliance on **Baljeet Singh Vs. Ram Pal and others 2020 (2) PLR 715.**

3. While supporting the impugned order, counsel for the respondents states that the application has been filed by the respondents at a belated stage. He states that the sole objective of filing the application is to delay the conclusion of the suit, which is pending since 2018.

4. I have heard counsel for the parties and considered their respective submissions besides examining the documents placed on the record.

5. Respondents/plaintiffs filed a suit for specific performance of an agreement to sell, which is being contested by the petitioner by filing a written statement, Annexure P-4. On the basis of the pleadings of the parties, Trial Court framed issues on 27.11.2018 and the plaintiffs concluded their evidence on 19.10.2019. Repeated opportunities were granted to the defendant, who produced four witnesses and closed his evidence on 18.08.2022. Suit was fixed for rebuttal evidence and arguments, when plaintiffs filed the application, Annexure P-2, for production of additional



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evidence, which has been rejected by the Trial Court vide order impugned herein.

6. Through this application, defendant intends to produce two agreements in evidence, which was not to his knowledge earlier. The application is totally silent as to when the petitioner/defendant acquired the knowledge of the agreements. The consideration for the sale of the land mentioned in the said agreements is not comparable with the consideration on which the disputed land was agreed to be sold, even if the land is located in the same khewat or vicinity. The market value of each parcel of land, its location, and circumstances under which it is being sold are always dissimilar. Both the agreements sought to be produced by the petitioner are not necessary for the just decision of the case. Moreover, the reason for failure to produce these documents during evidence of the petitioner/defendant, is vague.

7. A party cannot be permitted to lead additional evidence in a casual manner at his whim and fancy. Under the garb of leading additional evidence, defendant cannot be permitted to fill in the omissions in his evidence although sufficient opportunity had been granted to him to bring all the material on the record. The judgment of this Court in *Baljeet Singh's case (supra)* relied upon by counsel for the petitioner would not advance his case as the Court had permitted the petitioner therein to produce the documents, which were very old and the Court was of the view that they go to the root of the matter. That is not the situation in the present case. This Court does not find any irregularity or illegality in the order passed by the Trial Court.



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8. Petition lacks merit and is dismissed, though with no order as to costs.

29.04.2025

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**(SUVIR SEHGAL)**  
**JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No