



CR-6556-2025(O&M)

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

(115)

CR-6556-2025(O&M)
Date of Decision:-17.09.2025

Sunil Kumar

.....Petitioner

Versus

Nanhi Devi

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Ms. Neelam Choudhary, Advocate, and
Mr. A.S. Barnala, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present civil revision petition has been filed under Article 227 of the Constitution of India, praying for setting aside the impugned order dated 04.08.2025 passed by learned Additional Civil Judge (Sr. Division), Kaithal, whereby, an application filed by the petitioner/defendant for leading additional evidence was dismissed.

2. Brief facts of the case are that the respondent/plaintiff filed a civil suit for permanent injunction in respect of land situated at Kaithal. The petitioner/defendant filed a written statement on 09.04.2018, wherein he specifically disputed the sale deed relied upon by the predecessor of the plaintiff. Thereafter, parties led their respective evidence and the matter was listed for final arguments. At that stage, an application under Section

**CR-6556-2025(O&M)**

151 CPC has been moved for leading additional evidence, mainly to summon the record keeper of the Sub Registrar, Kaithal, along with certain sale deeds bearing No. 683/1 dated 09.05.1990 and other connected documents. However, the learned trial Court has dismissed the said application vide impugned order dated 04.08.2025. Aggrieved thereby, the petitioner has approached this Court.

3. Learned counsel for the petitioner *inter alia* submits that the learned trial Court gravely erred in dismissing the application for additional evidence on the ground of delay, alleging that the same having been filed to fill up the lacunae of the case. He submits that the evidence sought to be produced pertains to pre-existing sale deeds and during preparation for final arguments, it came to notice that vital documents inadvertently had not been brought on record due to oversight and involvement of voluminous records. To establish this, the original records from the office of Sub Registrar are necessary. It is further submitted that without such evidence, the real controversy between the parties cannot be adjudicated in a just and fair manner.

4. I have heard learned counsel for the petitioner at length and perused the paper book.

5. In view of the order proposed to be passed, notice is not being issued to respondent as it would delay the proceedings besides entailing additional expenses to the respondent.

**CR-6556-2025(O&M)**

6. It is pertinent to mention here that the suit was instituted in the year 2017, and the defendant had already raised the issue of the disputed sale deed in his written statement filed in April, 2018 and it is also an admitted fact that the petitioner/defendant had already concluded his evidence after availing more than ten effective opportunities before the trial Court. However, during the course of evidence, the petitioner has failed to produce/tender the necessary documents and summon relevant witnesses in evidence. The application for additional evidence was filed only at the stage of final arguments, which *prima facie* appears to be an attempt to delay the proceedings.

7. While considering the application for leading additional evidence, it is imperative to observe that such an application can be allowed only if the same is essential for a just and proper adjudication of the case, and not for the purpose of filling up gaps or lacunae in the evidence already led. The explanation tendered by the petitioner-defendant, premised on oversight and voluminous documents, does not inspire confidence, particularly when he was aware of the dispute relating to the sale deed right from the inception of the proceedings.

8. As regards the proceedings under Section 145 Cr.P.C., the same are summary in nature and have limited relevance to the proper adjudication of civil rights and title. The trial Court rightly observed that the said proceedings cannot substitute for proper evidence in the civil suit and allowing the application for additional evidence at this advanced stage

**CR-6556-2025(O&M)**

would not only delay the proceedings but also cause prejudice to the opposite party who has already concluded its evidence.

9. Consequently, this Court finds no infirmity or perversity in the impugned order dated 04.08.2025 passed by the learned Additional Civil Judge (Sr. Division), Kaithal. Accordingly, the present Civil Revision Petition stands **dismissed**.

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

(AMARINDER SINGH GREWAL)
JUDGE

17.09.2025

Shubham

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