



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-6242-2026

Date of Decision: 02.09.2026

Raivinder Singh

...Petitioner

Versus

Gurdial Singh (now deceased) through his LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Sandeep Arora, Advocate for the petitioner.

DEEPAK GUPTA, J.

The present revision petition has been filed by the plaintiff assailing the order dated 21.05.2026 (Annexure P-4) passed by the learned Civil Judge (Junior Division), Jalandhar, whereby his application for summoning two officials from the Revenue Department along with old revenue records has been dismissed.

2. Learned counsel for the petitioner contends that the documents sought to be summoned are necessary for establishing the nature of the suit property, particularly whether the same is ancestral property, and that denial of an opportunity to produce the said evidence would cause serious prejudice to the petitioner.

3. I have considered the submissions and perused the impugned order.

4. The suit filed by the petitioner is for declaration of his ownership in joint possession to the extent of 1/3rd share in the suit properties, besides challenge to certain title deeds and a mortgage deed and consequential reliefs. As noticed by the learned trial Court, the petitioner himself pleaded in the plaint that the suit property was ancestral and founded his claim upon such assertion. Thus, the burden of establishing the ancestral character of the property was upon the petitioner from the inception of the suit.



5. It is not the case of the petitioner that the aforesaid issue subsequently arose from any evidence led by the defendants, or that the defendants introduced a new matter, which required an answer by way of rebuttal. The evidence now sought to be produced is intended to establish the very foundation of the petitioner's own case.

6. The distinction between evidence in rebuttal and evidence to supplement or complete one's own case is well settled. Rebuttal evidence is intended to meet a case set up by the opposite party on an issue, on which the burden lies upon such opposite party. It cannot ordinarily be permitted to enable a party to supply evidence, which ought to have been produced in support of its original case, or to fill up a lacuna left in its evidence.

7. The learned trial Court has specifically recorded that the case had already reached the stage of rebuttal evidence, if any, followed by arguments, when the application was moved. The Court further noticed that the petitioner had already led his evidence and that his evidence had earlier been closed on 12.09.2024 after he had availed more than 80 opportunities for the purpose.

8. The power of the Court to permit additional evidence or to recall a witness is undoubtedly discretionary and is intended to advance the cause of justice. However, such power cannot be exercised as a matter of course to enable a party to repair the deficiencies in its case after having availed sufficient opportunity to lead evidence. The Hon'ble Supreme Court in ***K.K. Velusamy v. N. Palanisamy, (2011) 11 SCC 275, and Bagai Construction v. Gupta Building Material Store, (2013) 14 SCC 1***, has cautioned against permitting procedural provisions to be employed for filling lacuna or prolonging the trial.

9. The principle has also been noticed by this Court in ***Rajesh Kumar and others v. Babita, decided on 23.12.2022 in CR-1209-2020***, relied upon by the learned trial Court, wherein it was held that a plaintiff cannot be permitted to lead rebuttal evidence on an issue on which the burden of proof was upon him.

10. Learned counsel for the petitioner has not been able to show that the proposed revenue records are required to rebut any new fact or evidence introduced by the defendants. On the contrary, the application itself indicates



that the petitioner seeks the records from the years 1956-57/1958-59 onwards precisely to establish that the properties are ancestral. This was a matter which was required to be established by the petitioner while leading his substantive evidence.

11. Permitting such evidence at this stage would, therefore, not amount to permitting genuine rebuttal evidence; it would amount to reopening the petitioner's case for the purpose of supplying evidence in support of an issue which was always part of his own case. The mere fact that the proposed evidence may have some bearing upon the controversy cannot by itself furnish a ground for reopening the evidence after the stage at which the petitioner was required to establish his case has passed.

12. The revisional jurisdiction of this Court is supervisory and is not intended to substitute its own discretion for that of the trial Court merely because another view may be possible. The impugned order reflects a conscious exercise of discretion on the basis of the pleadings, the stage of the proceedings and the nature of the evidence sought to be introduced. No jurisdictional error, material irregularity or perversity is demonstrated.

13. It is also relevant that the trial Court has not shut out the petitioner from leading permissible rebuttal evidence. The matter was adjourned for rebuttal evidence, if any, and arguments. Thus, the order does not result in denial of a fair opportunity to the petitioner to meet any genuinely new case emerging from the defendants' evidence.

14. In these circumstances, this Court finds no ground to interfere with the impugned order dated 21.05.2026. The revision petition is accordingly dismissed. Nothing contained in this order shall be construed as an expression of opinion on the merits of the suit. Pending miscellaneous application(s), if any, stand disposed of.

02.09.2026

Yogesh

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No