

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

**CR No.7304 of 2016(O&M)  
Decided on. 08.11.2016.**

**Tarsem Singh**

**.....Petitioner**

**Versus**

**Guransh Saini and another**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH**

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

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**DARSHAN SINGH, J. (Oral)**

The present revision petition has been preferred against the order dated 14.10.2016 passed by the learned Addl. Civil Judge (Sr. Division), Dasuya, vide which the application moved by the respondent no.1-plaintiff to lead the additional evidence has been allowed.

2. I have heard Mr. Sandeep Arora, Advocate, learned counsel for the petitioner and have carefully gone through the paper book.

3. Learned counsel for the petitioner contended that the plaintiff-respondent no.1 has voluntarily closed the evidence after availing numerous opportunities. Thereafter, defendant has also led his evidence when this application for additional evidence was moved. He contended that no explanation has been given in the application as to why these documents were not produced earlier. Thus, he contended

that the learned trial Court has wrongly allowed the application for additional evidence moved by the respondent no.1-plaintiff. To support his contentions, he has relied upon case **Munna Lal Vs. Sadhu Ram and others 2009(3) PLR 696.**

4. I have duly considered the aforesaid contentions.

5. The plaintiff-respondent has moved the application under Section 151 of the Code of Civil Procedure, 1908 (for short CPC) for leading the additional evidence to produce the copy of jamabandi for the year 1975-76 of village Gill, jamabandi for the year 1973-74 of village Munak Kalan and jamabandi for the year 1986-87 of village Madda Tehsil Dasuya, District Hoshiarpur. The plaintiff has filed the suit to challenge the transfer deed executed by Joginder Singh in favour of defendant no.2 being *karta* of the family without any legal necessity and without consideration. It is alleged that the suit property was co-parcenary property and plaintiff-respondent no.1 is a co-parcener.

6. The proof of the nature of the property was essential to the just decision of the case. In the application moved by the plaintiff-respondent no.1, he has mentioned that he has already produced mutation regarding inheritance. But, he was not able to produce the copy of the aforesaid jamabandies at the time of leading his evidence as the revenue department did not supply those copies due to the influence of the defendants in the revenue department. Learned trial Court has allowed respondent no.1 to produce the copy of the jamabandies mentioned above in the additional evidence which are *per se* admissible in evidence. These documents are the copies of the revenue record and cannot be created or manufactured by the plaintiff-respondent. The

authenticity of these documents is not in dispute. There is absolutely no dispute that these copies of the revenue record will certainly assist the Court to take the final decision in respect of the dispute between the parties. It is settled principle of law that such evidence should normally be allowed to be taken on record so that the Court may come to the just conclusion of the suit.

7. Mere delay in moving the application for additional evidence is no ground to decline the request when the said evidence is found to be essential for the just decision of the case. Case **Munna Lal Vs. Sadhu Ram and others (supra)** relied upon by learned counsel for the petitioner is quite distinguishable on facts. In that case after availing numerous opportunities including the last opportunity the evidence was closed by the plaintiff. Thereafter, the evidence of the defendant was also closed. The plaintiff wanted to lead the rebuttal evidence, but he was not permitted to do so. He filed the civil revision before this Court, which was allowed and opportunity was granted to him to lead the evidence in rebuttal. Thereafter, he led the rebuttal evidence, which was also closed voluntarily. Then, he moved an application for additional evidence to exhibit the sale deed. The said application was also allowed by the learned trial Court. Thereafter, the case was listed for additional evidence. He also moved the application for leading further additional evidence to examine other witness. So, in view of the aforesaid chequered history, it was held that he was not entitled to lead the additional evidence. But, in the instant case, the facts are clearly different.

8. Thus, I do not find any illegality in the impugned order

passed by the learned trial Court allowing the application of the plaintiff-respondent no.1 seeking permission to lead the additional evidence. Therefore, it does not call for any interference by this Court.

9. Thus, the present revision petition having no merits, is hereby dismissed.

**November 08, 2016**

S.khan

**(DARSHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No