

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

Civil Revision No.8261 of 2016  
Date of decision: December 09, 2016

Baldev Singh

...Petitioner

Versus

Pala Ram (since deceased) through his  
legal heir Jaswinder Singh & others

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Santosh Sharma, Advocate for  
Mr. Gurinder Singh, Advocate for the petitioner.

**Rajan Gupta, J.**

This order will dispose of two revision petitions bearing Nos.8261 and 8282 of 2016, both filed by petitioner Baldev Singh (now deceased) through his legal heir/widow Birmati. In Civil Revision No.8261 of 2016, petitioner has challenged the order dated 27.10.2016, passed by the trial court, dismissing his application for additional evidence. In Civil Revision No.8282, he has challenged order dated 18.11.2016, dismissing his application for leading rebuttal evidence.

Learned counsel for the petitioner has assailed the orders. He has submitted that impugned orders are unsustainable. According to him, the report of Patwari and Tehsildar, which were received later on, is a material document for correct adjudication of the matter. He further submits that Khasra Girdawari tendered by the defendants is required to

be rebutted by the petitioner/plaintiff. Thus, the orders are liable to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, petitioner/plaintiff alongwith proforma respondents filed a suit for separate possession by way of partition regarding his share in the land detailed in the plaint, with consequential relief of permanent injunction restraining the defendants from alienating or using the land in dispute by way of any construction. Suit was contested by the defendants. When case was fixed for evidence of the defendants, on 4.10.2016, plaintiffs filed application under section 151 CPC for leading additional evidence. On 18.11.2016, plaintiffs filed another application for framing issues to rebut the evidence of the defendants. The trial court dismissed both the applications. It observed that plaintiffs had already availed four opportunities to concluded their evidence. Moreover, local commissioner i.e. Naib Tehsildar had already been examined by the defendants. I find no infirmity with the orders passed. A perusal of the impugned order shows that defendants being not satisfied with the report already submitted by Naib Tehsildar while appearing as DW1, have now obtained another report, which they want to prove by way of additional evidence, which is not permissible in law. The case is fixed for arguments and therefore, the plaintiff/petitioner cannot be permitted to lead any evidence in rebuttal at this stage. It

appears, present applications have been filed by the petitioner just to delay proceedings of the case.

Under the circumstances, both revision petitions filed by the petitioner are without any merit and same are hereby dismissed.

**(RAJAN GUPTA)**  
**JUDGE**

December 09, 2016  
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No