

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

CR-1632-2021(O&M)

Date of decision:-30.11.2022

Gurdip Singh

...Petitioner

Versus

Parminder Singh and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.I.S. Luthra, Advocate
for the petitioner.

Mr.Namit Gautam, Advocate
for the respondents.

H.S. MADAAN, J.

1. This revision petition is directed against the order dated 29.7.2021 passed by the Court of Civil Judge (Jr.Divn.), Ludhiana vide which the said Court had dismissed two applications filed by the plaintiff, one seeking amendment of the plaint and other for additional evidence.

2. Briefly stated, facts of the case are that in a Civil Suit No.36504 of 2013, during the course of proceedings, the plaintiff had filed an application for amendment of the plaint contending that he came to know about the demarcation report prepared by Halqa Kanungo regarding the suit property in the month of December, 2019 and furthermore such report and documents regarding proceedings under Section 145 Cr.P.C. conducted by the police on the complaint dated 6.3.2010 and subsequent registration of DDR No.12 dated 11.5.2011 against the defendants are very material documents, necessary for just and

proper decision of the case. Therefore, the plaintiff be allowed to take pleas in that regard in the plaint by way of amendment and grant him permission to lead additional evidence and he be permitted to produce in evidence the demarcation report as well as inquiry report conducted by the police on the complaint of plaintiff against the defendants with regard to the suit property and such documents are very material and shall be helpful for deciding the controversy between the parties.

3. The applications were opposed on behalf of the defendants taking various objections contending that alleged demarcation report was already within the knowledge of plaintiff and at the stage when the case was fixed for arguments, the plaintiff had come up with the applications just to prolong the proceedings.

4. After hearing arguments, the trial Court vide the impugned order dismissed both the applications observing that there is no plausible plea or evidence to show that the plaintiff came to know about the demarcation report in December, 2019; during his entire evidence, the plaintiff did not make any effort to examine any witness or move application to summon or get demarcation report. Therefore, amendment of the plaint is not necessary to decide the controversy especially after commencement of the trial because the same is not necessary for just decision of the case and the applications had been filed just to prolong the proceedings.

5. The applications were accordingly dismissed giving detailed reasons, leaving the plaintiff aggrieved and he has filed the present revision petition before this Court, which came up for hearing on

19.8.2021 when counsel for the revisionist petitioner submitted that keeping in view the fact that suit is more than 10 years old and the evidence of the parties have already been concluded, he may be permitted only to place on record a certified copy of demarcation report dated 5.4.1994 (Annexure P-5) and he would not lead any oral evidence in support thereof. Keeping in view that submission, notice of motion had been issued to respondents, who had put in appearance through counsel.

6. I have heard learned counsel for the parties besides going through the record and I find that the revision petition lacks merit and no reason is there to allow the same and permit the prayer of the revisionist plaintiff to place on record certified copy of the demarcation report even.

7. It may be observed here that demarcation report is not a document, which is per se admissible and it is required to be proved by summoning the original record and examining the revenue official, who had carried out the demarcation. Merely placing on record a certified copy of the demarcation report shall not help the plaintiff in any manner unless it is proved in accordance with law. As observed by the trial Court in the impugned order, the plaintiff had not made any mention in that regard in his pleadings or had not adduced any evidence in that regard. Merely by saying that plaintiff was not aware of the same earlier does not go to show that plaintiff lacked knowledge regarding its existence previously. The suit in question is more than 10 years old with the parties having already led their evidence and the case is at the stage of arguments. The intention of the plaintiff appears to be to stretch the proceedings to the extent possible and to set the clock back by moving such type of applications for

amendment of plaint and for additional evidence. The applications were rightly dismissed by the trial Court.

8. Learned counsel for the revisionist has referred to various judgments i.e. Charan Singh and Ors. Versus Sardul Singh and Ors., 1988(2) RRR 20, Harbinder Kaur and others Versus Harjinder Singh Sandha and others, 2017(5) RCR(Civil) 34, Life Insurance Corporation of India Versus Sanjeev Builders Private Limited & Anr., 2022(12) Scale 850 and Gurpal Singh Versus Kamaljit Kaur and another, 2017(3) RCR(Civil)659. However, those do not find application to the present case due to different facts and circumstances and the context in which such observations had been made and in view of the fact that counsel for the plaintiff by making statement in the Court on 19.8.2021 had confined his prayer to placing on record certified copy of the demarcation report dated 5.4.1994 stating that he would not lead any oral evidence in support thereof.

9. There is absolutely no scope for interference with the order passed by the trial Court, which is detailed and well reasoned.

10. Thus, the petition is doomed for failure and is dismissed accordingly.

However, considering the fact that the civil suit is pending in the trial Court for last about 10 years, the trial Court is directed to dispose of that suit expeditiously.

30.11.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No