

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

114

**CR-5286-2019
Date of Order: 29.03.2022**

TEJBIR SINGH AND OTHERS

..Petitioners

Versus

KAPOORI DEVI AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh, Advocate
for the petitioners.

Mr. Ashwani Chopra, Sr. Advocate
with Mr. Brahmjot Singh Nahar, Advocate
for Lrs of respondent No.7.

ANIL KSHETARPAL, J(Oral)

The trial Court in exercise of its discretion has permitted the defendants to produce documentary evidence including judgment of the High Court in a previous litigation and revenue record in additional evidence.

The petitioners are the plaintiffs in a suit filed by them seeking decree of declaration with the consequential relief of permanent injunction. The dispute is with regard to the immovable property.

The learned counsel representing the petitioners contend that at the fag end of the trial, the Court, without examining as to whether the defendants have made out a case for production of the additional evidence, has allowed the application.

He further contends that these documents were in the knowledge of the defendants as these were relied upon while filing the application under Order 7 Rule 11 CPC. He further submits that the witnesses, who appeared on behalf of the plaintiffs, were also cross-examined on the basis of the aforesaid documents.

He further contends that the Court has committed a material irregularity while failing to grant an opportunity to the plaintiffs to lead evidence to rebut additional evidence.

As regard the first argument, it may be noted that once the plaintiffs were confronted with the documentary evidence sought to be produced in additional evidence, then, the plaintiffs cannot claim prejudice. The plaintiff has the knowledge of the documents once they have been used for confronting him in his cross-examination. In other words, the plaintiffs were in knowledge of the documents relied upon by the defendants. Further, the trial Court in the facts of the case has found that such documents will help the Court in properly adjudicating the matter.

As regard the last argument, the learned Senior counsel representing the respondent does not have any serious objection.

Keeping in view the aforesaid facts, while disposing of the revision petition, it is ordered that the trial Court will grant two opportunities to the plaintiffs to lead evidence in order to rebut the additional evidence produced by the defendant.

With all these observations, the revision petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

March 29th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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