

122 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No. 4344 of 2023(O&M)

Date of Decision: 04.08.2023

Harjit Singh

...Petitioner

Versus

Paramjit Singh & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. G.S. Bhatia, Advocate
For the petitioner.

Mr. Paramjit Singh, Advocate and
Ms. Inderjeet Kaur, Advocate
For respondents No.1 and 2.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner/ plaintiff for setting aside order dated 25.07.2023 (Annexure P-9) passed by the Court of Additional Civil Judge(Sr. Divn.), Fatehgarh Sahib vide which an application filed by the petitioner under Section 151 CPC for leading additional evidence to place on record the original transfer deed dated 07.03.2011 has been dismissed.

2. The counsel for the petitioner, *inter alia*, submits that the petitioner filed suit for possession of the suit property against the respondents along with recovery of arrear of damages and in the plaint the petitioner has placed reliance upon aforesaid transfer deed dated 07.03.2011 executed by Ranjodh Singh in favour of the petitioner. The counsel for the petitioner further submits that original transfer deed was produced at the time of recording of evidence and its copy was tendered into evidence but at

the time of recording the evidence the Court concerned failed to give observations that 'original transfer deed seen and returned'. The counsel for the petitioner further submits that for just decision of the case the petitioner intends to produce and place on record the original transfer deed dated 07.03.2011 by way of additional evidence but the application was declined by the learned trial Court vide order dated 25.07.2023, which is under challenge. No prejudice is going to be caused to the other party in case the petitioner is allowed to produce the concerned transfer deed in its evidence.

3. The present petition is resisted by the counsel for respondents who submits that there is no illegality in the impugned order and at this belated stage the petitioner cannot be allowed to lead additional evidence.

4. I have considered the submissions made by counsel for the parties.

5. The Hon'ble Apex Court in **Salem Advocate Bar Association, Tamil Nadu Vs. Union of India, (2005) 6 SCC 344** has held that in spite deletion of provision of Order 18 Rule 17-A CPC, the right to produce evidence at later stage by way of additional evidence is not taken away and the Court has inherent power to exercise jurisdiction for advancement of justice in terms of provisions under Section 151 CPC. So, it is evident that the Court can allow any party to lead evidence even at a later stage, if it is required for the just decision of case, by invoking provisions of Section 151 CPC.

6. In the instant case, transfer deed in question dated 07.03.2011 has been pleaded by the petitioner in the plaint. The counsel for the petitioner has also apprised the Court that photocopy of the said settlement

deed is already tendered into evidence at the relevant stage and now the petitioner simply intends to place on record the original transfer deed by way of additional evidence. This Court is of the view that no prejudice is going to be caused to the respondents if the petitioner is permitted to produce and place on record of trial Court the transfer deed in question.

7. For the foregoing reason the revision petition is allowed and the impugned order is set aside and the application filed by the petitioner to lead additional evidence is allowed subject to costs of Rs.10,000/- and petitioner is granted one opportunity to lead the additional evidence as prayed for subject to right to rebuttal to the respondents. The cost is to be paid by the petitioner to the opposite party on the next date fixed before the trial Court.

04.08.2023

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No