

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

**CR-6546-2023**

Date of Decision: 03.11.2023

Mandir Hanuman Ji through Shri Hanuman Mandir Sudhar Samiti, Kaithal

...Petitioner

Versus

Joginder Singh and another

...Respondents

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

**Present:** Mr. Sanjiv Kumar Aggarwal, Advocate  
for the petitioner.

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**GURBIR SINGH, J. (ORAL)**

1. Challenge in the present revision petition filed under Article 227 of the Constitution of India is to the order dated 21.09.2023 (Annexure P-1) passed by the Ld. Civil Judge (Jr. Division), Kaithal vide which an application moved by the respondents/defendants for additional evidence (Annexure P-7), has been allowed.

2. The brief facts as culled out from the present petition are that petitioner/plaintiff filed the suit for possession, mesne profits and permanent injunction, against the defendant/respondent, who filed the written statements (Annexure P-3 and P-4). The plaintiff/petitioner led the evidence and defendants/respondents also led their evidence. Plaintiff in rebuttal examined Sandeep Kumar as PW-3, from the office of Food and Supply Department and Sinder Kaur as PW-4.

3. Learned counsel for the petitioner/plaintiff has argued that case was at the stage of closure of the rebuttal evidence but an application moved by the defendant has been allowed. The defendants/respondents examined

Deepak Kumar, as DW-1, Inspector, from the office of Food and Supply Office, Kaithal and summoned the record pertaining to the ration card of the Sinder Kaur, which was marked as Ex.DW1/A (Annexure P-9), it was only at that time defendants/respondents were required to prove on record ration card of Mahender Singh as Mark 'X' (Annexure P-10). Since said evidence could be brought by defendants/respondents at the time of the leading the evidence but at that stage request of the defendants/respondents to allow them to direct witness Sandeep Kumar (PW-3) to bring the said ration card was declined so thereafter said evidence could not be allowed to be brought by way of additional evidence. Moreover, the said ration card has no relevancy with the decision of the case. Defendants/respondents want to prove that Mahender Singh was residing with Jaswant Singh. In order to prove that Jaswant Singh was adopted son of Mahender Singh and wanted to prove the ration card. The additional evidence was very well in the knowledge of the defendants/respondents but they failed to prove the same at the time of leading evidence. So no opportunity could be granted to defendants/respondents to lead the additional evidence. To support the contentions, learned counsel for the petitioner has placed reliance upon the judgment passed by co-ordinate Bench of this Court in case **Gurcharan Singh and others Vs. Sukhmander Singh and others, 2018(4) CivCC, 49** and **Sukhdev Singh and others Vs. Labh Singh, 2022(1) CivCC97.**

4. I have heard the submissions of the learned counsel for the petitioner and gone through the file.

5. The case of the defendants/respondents is that Mahender Singh had expired, he had one adopted son Jaswant Singh, who has also expired leaving behind one female child Balwinder Kaur and two male children

Gurjant and Gurdayal and his widow Sinder Kaur. Mahender Singh (since deceased) is the adopted son namely Jaswant Singh and it is also declared earlier in the civil suit.

6. The plaintiff/petitioner had cross-examined Sinder Kaur and during rebuttal evidence it was known to the defendants that a new ration card was issued in the name of Mahender Singh so said document is necessary for decision of the case. The Courts are required to do complete justice between the parties. The ration card is such a document which cannot be tempered with and the official record is only to be proved by the defendants. Prima facie, without the evidence, it cannot be said that official record was not maintained properly so I am of the view that the Ld. trial Court has rightly allowed the application for additional evidence, moved by the defendants. No doubt, other party would be given opportunity to cross-examine the witnesses and no prejudice would be caused to other side. The authorities cited by the learned counsel for the petitioner are of no help to decide this case.

7. Accordingly, the present revision petition stands dismissed in limine.

03.11.2023  
Parveen kumar

(GURBIR SINGH)  
JUDGE

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