



CR-7090-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-7090-2024
Date of decision : 13.12.2024

Roshan Lal

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rajesh Bansal, Advocate
for the petitioner.

Mr.Jagdish Manchanda, Addl. A.G. Haryana.

VIKAS BAHL, J.(ORAL)

CM-22252-CII-2024

1. This is an application under Section 151 CPC for preponing the main petition.
2. For the reasons stated in the application, which are duly supported by an affidavit of the petitioner, the application is allowed and the main petition is preponed from 13.01.2025 to today itself.

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1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 14.11.2024 (Annexure P-1) passed by the Additional Civil Judge (Sr.Div.), Panipat.
2. Learned counsel for the petitioner has submitted that he wishes

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to lead additional evidence in the present case and wishes to examine the plaintiff no.5 (petitioner) and plaintiff no. 14 and also wishes to produce on record the jamabandis from the years 1934 to 1964 and also other documents. It is submitted that the plaintiffs have already examined plaintiffs no.8 and 12 but also wishes to examine plaintiff no.5 (petitioner) and plaintiff no.14, whose case is similar to that of other plaintiffs. It is also submitted that the documents are a part of the revenue record and the same may also be permitted to be produced.

3. This Court has heard the learned counsel for the petitioner and has perused the paper book.

4. It is not in dispute that the plaintiffs who are 16 in numbers had filed the suit in the year 2013 and the entire evidence of the plaintiffs was led and closed on 06.08.2024. It is also not disputed that the evidence of the defendants was closed on 16.10.2024 and the case is listed for final arguments for 13.12.2024 i.e., today. The application for additional documents moved by the petitioner had been dismissed by the trial Court vide order dated 14.11.2024 after taking into consideration the stage of the case and also after taking into consideration the fact that the plaintiff no.8 as well as plaintiff no.12 had already been examined and it was the case of the petitioner himself that his case and that of plaintiff no.14 was not at variance with the case of other plaintiffs and thus, there were no justifiable reasons for plaintiff no.5 (petitioner) and plaintiff no.14 to get themselves examined in additional evidence. It had further been observed that at any rate, 13 effective opportunities had been granted to the plaintiffs to lead

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their evidence and in case the plaintiffs wanted to examine any other plaintiff other than plaintiff no.8 and 12, then they should have got them examined at the stage when the plaintiffs evidence was being led. With respect to the jamabandis and the mutation which are sought to be produced, it had been observed by the trial Court that there is nothing in the application to show that the documents were not in the knowledge of the plaintiffs at the time of leading of their evidence and it had further been stated that already as many as 80 revenue documents had been exhibited by the plaintiffs in their evidence and some of the documents, which the plaintiffs wanted to produce, were already exhibited and thus, the present application had been moved in a very casual manner. It had further been stated that there was no assertion from the side of the plaintiffs as to how the said documents sought to be produced in additional evidence were relevant for just decision of the case.

5. On a pointed query raised by this Court, learned counsel for the petitioner has not been able to show the relevance of the said documents. Moreover, the said documents have not been produced along with the present petition.

6. The present case is of the year 2013 and is at the final stage of arguments and thus, any indulgence shown by this Court would result in further delaying the matter. Order 18 Rule 17 A of the CPC which provided for production of evidence not previously known or which could not be produced despite due diligence has already been deleted from the Code of Civil Procedure 1908. Thus, there is no right to lead additional evidence.



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Moreover, in the present case nothing has been shown as to how the documents, which are sought to be produced, are relevant. With respect to examination of plaintiffs no.5 and 14, learned counsel for the petitioner has fairly submitted that their case is similar to that of plaintiffs no.8 and 12, who have already been examined and 13 effective opportunities have already been taken by the plaintiffs for leading their entire evidence and thus, the Trial Court has rightly observed that there is no justification for giving the petitioner further opportunity to lead additional evidence.

7. Keeping in view the abovesaid facts and circumstances, the impugned order has been rightly passed by the trial Court and there is no merit in the present revision petition and the same deserves to be dismissed and is accordingly dismissed.

(VIKAS BAHL)
JUDGE

December 13, 2024.
Davinder Kumar

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