



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

CR-6069-2018 (O&M)

Decided on : 18.08.2025

Parampreet Singh

..... Petitioner

Versus

Gurinderpal Singh Grewal and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Mr. Amit Sharma, Advocate,
for respondents No.1 to 3.

None for respondents No.4 and 5.

VIKRAM AGGARWAL, J (ORAL)

The plaintiff Parampreet Singh has instituted the instant revision petition under Article 227 of the Constitution of India, assailing the order dated 05.09.2018 (Annexure P-15), passed by the Court of Civil Judge (Junior Division), Khanna vide which the application filed by the petitioner-plaintiff for additional evidence and for secondary evidence to prove DDR No.27 dated 05.05.2003 was dismissed.

2. Shorn of unnecessary details, the petitioner-plaintiff instituted a suit praying for a declaration to the effect that the sale deed dated 06.05.2003 pertaining to land measuring 110 Kanals 15½ Marlas (fully described in the



plaint) (hereinafter referred to as 'the suit land'), situated at Village Beer Kishan Singh Wala, Tehsil Khanna, District Ludhiana, executed by defendant No.4 (Mohan Singh Grewal) in favour of defendants No.1 to 3 (Gurinderpal Singh Grewal, Harinderpal Singh Grewal and Smt. Paramjit Kaur) was illegal, null and void and was not binding upon the rights of the petitioner-plaintiff. A further declaration was sought that the mutation sanctioned on the basis of the said sale deed was illegal and that the mortgage of the suit land by defendants No.1 to 3 in favour of defendant No.5 was illegal and further that the encumbrances created were void. Permanent injunction restraining defendants No.1 to 3 from alienating the suit land in any manner was also sought. Further, injunction restraining defendants No.1 to 3 from dispossessing the plaintiff from the suit land was also sought.

3. A composite application under Section 151 of the Code of Civil Procedure (for short 'CPC') for leading additional evidence to produce certain documents and under Section 65 of the Indian Evidence Act, 1872 (for short 'the Evidence Act') (Annexure P-13) for leading secondary evidence to prove DDR No.27 dated 05.05.2023 was moved by the petitioner-plaintiff. The same was opposed by way of a reply (Annexure P-14). Vide impugned order dated 05.09.2018, the said application was dismissed, leading to the filing of the present revision petition.

4. I have heard learned counsel for the parties.

5. Learned counsel for the petitioner has strenuously urged that one witness namely Constable Manpreet Singh was produced in Court on 18.08.2018



who stated that the record pertaining to DDR No.27 dated 05.05.2003 had been destroyed vide order dated 01.05.2010. However, the statement of the said witness was erroneously not recorded on oath and other documents were not proved by him. The counsel for the plaintiff closed the evidence on behalf of the plaintiff on 18.08.2018 itself. Realizing that an error had been committed, an application was moved on 20.08.2018 itself which was subsequently withdrawn and a composite application was moved on 27.08.2018 which has now been dismissed by the trial Court. Learned counsel has assailed the reasons given by the trial Court stating that the trial Court erroneously held that it was the duty of the plaintiff to have examined the witness on oath. Learned counsel submits that in fact, the Court should have examined the witness on oath and in any case when an application for additional evidence had been moved without any unnecessary delay, the Court erroneously rejected the application by holding that the plaintiff was misusing the process of law. He submits that the petitioner-plaintiff only seeks one effective opportunity to produce the said witness as also the additional evidence. He submits that the other relevant documents referred to in the impugned order do not exist and the plaintiff does not wish to produce any other evidence except for that specifically mentioned in the application. He submits that the plaintiff had no intention to delay his own case.

6. Per contra, learned counsel for respondents No.1 to 3 has vehemently opposed the prayer stating that there is no illegality in the impugned order and that the application has rightly been rejected. Learned counsel has referred to the impugned order and has submitted that it was for the plaintiff to have got the



statement of the witness i.e. Constable Manpreet Singh recorded on oath and that instead, his simple statement was recorded and evidence of the plaintiff was also closed. Learned counsel submits that the plaintiff is aware that his suit does not have any merit and it is only on account of this reason that he is making efforts to delay the decision of the suit.

7. I have considered the submissions made by learned counsel for the parties.

8(i). Earlier also, an application (Annexure P-1) had been moved by the petitioner-plaintiff under Section 65 of the Evidence Act to lead secondary evidence. The said application was allowed vide order dated 13.03.2014 (Annexure P-2). The defendant (Gurinderpal Singh Grewal) instituted a Revision Petition No.3494 of 2014. The said revision petition was decided vide order dated 18.12.2015 (Annexure P-3) in which it was held that since the adoption deed was a registered document, its certified copy was permissible by way of secondary evidence and, therefore, permission was granted to prove the same by way of secondary evidence. However, as regards agreement to sell dated 13.02.1987, it was held that since it was only a photocopy of the original, the Court should not have straight away allowed the agreement to be brought on record by way of secondary evidence but the onus to prove the existence and loss of the said agreement should have been put up on the plaintiff. It was, therefore, held that the plaintiff would first prove the existence and loss of the agreement to sell dated 13.02.1987 and thereafter the same would be produced on record in accordance with law subject to mode of proof.



8(ii). Pursuant to the aforesaid directions, evidence was being led. During the course of leading the said evidence, one Constable Manpreet Singh appeared on 18.08.2018 and his following statement was recorded:-

“Statement of Ct. Manpreet Singh, No.4017/LDH, PS Sarabha Nagar, Ludhiana.

Stated that our police station Sarabha Nagar Ludhiana has already destroyed the old record including the DDR No.27 dated 5.5.2003 vide order dated 1.5.2010 as per PPR Rule No.22.51. I have produced the photocopy of rojnamcha and said order containing three pages.

RO&AC

Neeraj Goyal/CJJD/Khanna/18.08.2018”

8(iii). On the same day, learned counsel representing the plaintiff closed the oral evidence of the plaintiff. A week thereafter, the application (Annexure P-13) was filed. The trial Court, in the considered opinion of this Court, did not examine the matter from the correct perspective and erroneously came to the conclusion that the plaintiff was playing hide and seek with the Court and that its only motive was to delay the proceedings. It was observed that when the official had come from the Police Station Sarabha Nagar, Ludhiana, his statement should have been recorded on oath and the DDR No.27 should have been put to him when the original of the same was in the judicial file. The learned Court lost sight of the fact that the application for additional evidence had been moved within one week from the date on which Constable Manpreet Singh gave his statement and



counsel for the plaintiff closed the evidence. Under the circumstances, the Court should have granted one opportunity to lead additional evidence and secondary evidence. The matter has been pending in this Court for the last about seven years and by this time, the suit itself might as well have been decided.

8(iv). That being so, the present revision petition is allowed. The impugned order dated 05.09.2018, passed by the Court of Civil Judge (Junior Division), Khanna is set aside and the application filed by the petitioner-plaintiff is allowed. The petitioner-plaintiff shall be granted one effective opportunity to lead additional evidence/secondary evidence in accordance with law.

8(v). This shall, however, be subject to payment of Rs.15,000/- as costs by the petitioner-plaintiff which shall be payable to the contesting respondents-defendants.

Further considering the fact that the suit is now pending since 2013, the trial Court is requested to make earnest efforts to decide the same expeditiously.

Pending application(s), if any, shall stand disposed of accordingly.

18.08.2025
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(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No