



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

Civil Revision No.976 of 2025(O&M)
DATE OF DECISION :18th FEBRUARY, 2025

Jatinder Singh

.... Petitioner

Versus

**Sham Lal Pabbi since deceased
through his legal representatives and others**

.... Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

*** * ***

Present : Mr.Surjit Singh Salar, Advocate
for the applicant - petitioner.

*** * ***

SUVIR SEHGAL, J.

CM-3438-CII-2025:

Application is allowed as prayed for. Interim orders passed
by the Trial Court are taken on record as Annexures P-8 to P-191.

Main case:

This revision petition has been filed under Article 227 of the
Constitution of India for setting aside the order dated 28.01.2025
(Annexure P-7), whereby, an application filed by the petitioner-plaintiff
for leading additional evidence, has been dismissed.

2. Mr.S.S.Salar, learned counsel for the petitioner has
contended that the petitioner intends to examine Mandeep Singh son of
Naseeb Singh, in order to show that he had purchased a property in
village Taraf Gahlewal, Tehsil Abadi known as Sham Nagar, Ludhiana



from Pardeep Jethani vide sale-deed dated 22.05.2020 which is also comprised in the Khasra No.403, 404, 1017/407 and this property adjoins the suit property. He submits that Mandeep Singh was not available earlier and his father Naseeb Singh had tendered an affidavit in examination, but he could not be cross-examined as he expired. He has sought for grant of one opportunity to produce the said witness along with the documents at his own risk and costs.

3. I have heard counsel for the petitioner and considered his submissions.

4. Petitioner filed a suit (Annexure P-1) for a decree of declaration to the effect that he is owner in possession of the premises as shown in the site plan attached with the plaint, situated in Sham Nagar, Ludhiana and for permanent injunction restraining the defendants from dispossessing him or interfering in his possession. The suit was filed in the year 2010 and is being contested by the respondent-defendants by filing written statement. Issues were framed by the Trial Court and the plaintiff examined some witnesses in support of his version. During the pendency of the suit, plaintiff was dispossessed from the suit property and he filed an application for amendment of the plaint which was accepted by the Trial Court vide order dated 07.12.2022 (Annexure P-101) and the petitioner was permitted to file an amended plaint to incorporate the relief for mandatory injunction.

5. On the basis of the amended pleadings, Trial Court framed an additional issue i.e. issue No.1A on 17.03.2023 (Annexure P-13) to the effect as to whether the plaintiff is entitled to possession as prayed



for. By order dated 10.04.2023 (Annexure P-116), petitioner was permitted to lead evidence by filing supplementary affidavits. The petitioner-Jatinder Singh tendered his supplementary affidavit (Ex.PW1/A) along with some documents and his cross-examination was repeatedly deferred at the request of the counsel for the respondents and was ultimately treated as 'nil' by the Trial Court vide order dated 15.09.2023 (Annexure P-127). Jatinder Singh was eventually cross-examined on 21.02.2024 by virtue of the orders passed by the High Court. Petitioner examined some more witnesses in support of his case and after tendering documents into evidence, he closed his evidence in the affirmative on 12.03.2024 as is reflected from Annexure P-147. Defendants closed their evidence on 18.12.2024 and the trial was fixed for rebuttal evidence, if any, when an application Annexure P-5 was moved by the petitioner for leading additional evidence.

6. Civil suit has remained pending for the last 12 years. Issues were framed on 17.09.2013 and after the pleadings were amended, an additional issue was framed by the Trial Court on 17.03.2023. Petitioner had been granted ample opportunities to lead his evidence, which he closed after one year in March, 2024. Now, when the suit is at the fag end, an application has been filed for leading additional evidence. Petitioner has not been able to justify the relevance of the witness sought to be produced, nor has he been able to explain the reason for not examining this witness at the appropriate stage. The intention of the petitioner seems to be simply to delay the proceedings. This Court does



not find any error in the reasoning given by the Trial Court. There is no illegality or perversity in the impugned order.

7. Finding no merit in the petition, it is dismissed with no order as to costs.

18th February, 2025
‘gian’

(SUVIR SEHGAL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>