



CR-2177-2025

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

(119)

CR-2177-2025

Date of decision: - 08.04.2025

**Seth Nain Sukh Dass Sukh Ram Dass Parivarik Dharamarth Trust
(Regd.) and others**

....Petitioners

Versus

Ashok Gulia and others

....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Abhilaksh Grover, Advocate,
for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 05.03.2025 (Annexure P-6) in the matter CS-791-2014 titled as 'Seth Nain Sukh Dass Vs. Ashok Guila etc.', whereby the application filed by the petitioners/plaintiffs seeking permission to lead additional evidence has been dismissed.

2. Learned counsel for the petitioners has submitted that the petitioners only wish to produce on record the jamabandis from the year 1877 up to 1907-08, which jamabandis would show that the land in question was Chah Dharamshala, which is the case of the petitioners/plaintiffs. It is further submitted that a specific application for additional evidence was filed on 05.02.2025 but the same has been



illegally rejected vide order dated 05.03.2025 by the trial Court. It is argued that the said additional documents are necessary for the proper and final adjudication of the case and thus, the said application be allowed and the impugned order be set aside.

3. This Court has heard learned counsel for the petitioners and has perused the paper-book and finds that the impugned order is in accordance with law and deserves to be upheld and the present revision petition being meritless, deserves to be dismissed for the reasons detailed hereinafter.

4. The suit in the present case was filed by the plaintiffs in the year 2013. The evidence of the petitioners/plaintiffs was closed on 21.08.2024 and thereafter, even the evidence of contesting defendants was closed on 15.01.2025 and the case was fixed for 22.01.2025 for rebuttal evidence and for arguments. It was subsequent to the same that the present application for additional evidence was filed on 05.02.2025.

5. The trial Court vide order dated 05.03.2025 dismissed the said application after observing that the documents which were sought to be produced were not referred in the pleadings of the plaintiffs and that the said documents could have been produced at the time of leading affirmative evidence by the plaintiffs/petitioners. The plea raised by the plaintiffs/petitioners to the effect that the said documents were in Urdu language and could not be traced, was found to be not sustainable as the petitioners/plaintiff had not placed on record any application moved by them before the concerned revenue official for obtaining the certified



copies of the documents referred by them in their application nor any such report of concerned revenue official regarding the record being non-traceable, was produced. It was further observed that the documents were in the knowledge of plaintiffs at the time of filing the suit and also at the time of leading their evidence and therefore, the said documents could not be permitted to be produced in additional evidence at the fag end, moreso, when the suit is pending since 2013. It was also observed that allowing the application at that stage would serve no purpose except for prolonging the case which was fixed for rebuttal evidence and arguments. The observations made in the said order are not shown to be illegal or perverse. The reasons given in the said order are adequate for dismissing the said application.

6. It would be relevant to note that in paragraph 2 of the order, it had been recorded that the jamabandi for the year 2001-02 was annexed alongwith the plaint and at the time of leading the evidence, jamabandi for the year 1965-66 was also placed on record. Nothing has been stated before this Court to show that how the jamabandis now sought to be produced in additional evidence would further add to the case of the petitioners/plaintiffs once the jamabandis for the year 1965-66 and 2001-02 had already been produced on record and as to what additional points the petitioners would be able to build up from the jamabandis which are sought to be produced now. Thus, the observation made by the trial Court to the effect that allowing the application would delay the proceedings and would serve no purpose, cannot be faulted with. Order



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18 Rule 17A CPC which provided for production of evidence not previously known and could not be produced despite due diligence, has been deleted by the amendment in the Code of Civil Procedure w.e.f. 01.07.2002. Even under the said provision, when it was in force, a party had to show due diligence for not producing the documents at the time when the evidence of the said party was being led. In the present case, it could not be disputed that the documents pertained to the period prior to when the suit had been filed and it could not be stated that the petitioners/plaintiffs were not in the knowledge of the said documents and thus, if at all the petitioners wanted to produce the said documents, the same should have been done at the stage of leading affirmative evidence by the petitioners/plaintiffs.

6. The Hon'ble Supreme Court in the case of "**Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil**", **reported as (2010) 8 Supreme Court Cases 329**, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence

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under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

7. Keeping in view the above, this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

April 08, 2025
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes