



CR-3905-2025 (O&M)

-1-

294

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

**CR-3905-2025 (O&M)
Date of Decision: 24.07.2025**

Baldev Singh

.....Petitioner

Vs.

Major Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. J.K.Singla, Advocate,
for the petitioner.

Mr. Nitesh Singla, Advocate,
for the respondent.

SUDEEPTI SHARMA J. (ORAL)

1. Challenge in the present petition is to the impugned order dated 20.05.2025 passed by learned Additional Civil Judge (Senior Division), Mansa, in Civil Suit No.683 dated 02.12.2019 titled as "Major Singh Vs. Baldev Singh", whereby, application filed by the respondent/plaintiff for additional evidence has been allowed.

2. Learned counsel for the petitioner contends that the civil suit was at the stage of rebuttal evidence when the above application was filed. He further contends that the plaintiff has already availed numerous opportunities for his evidence, but failed to adduce evidence despite having knowledge of the documents much prior to the filing of the suit. He



CR-3905-2025 (O&M)

-2-

further contends that the application for additional evidence filed by the respondent/plaintiff has wrongly been allowed at belated stage.

3. Per contra, learned counsel for the respondent submits that the additional evidence is the certified copy of the record of the Court itself and is a part of the documents on record in the previous civil suit filed by the respondent/plaintiff, which was withdrawn by him with liberty to file a fresh civil suit. He, therefore, contends that application filed by him has rightly been allowed. He places reliance upon the judgment passed by Hon'ble Supreme Court in **Sanjay Kumar Singh Vs. State of Jharkhand, 2022(7) SCC, 247** as well as the judgments passed by the Co-ordinate Bench of this Court in **Nihala (deceased) through LRs Vs. Irshad, 2017(2) R.C.R. (Civil), 884, Mohan Lal Vs. Bhim Sain and another, 2011(13) R.C.R (Civil), 225, Chandgi Vs. Mehar Singh, 1998(2) R.C.R. (Civil) 354, Manmohan Singh Vs. Davinder Kaur @ Mohinder Kaur @ Gurminder Kaur and others, 2015(5) R.C.R (Civil), 661, Sham Lal Vs. Raj Kumar, 2012(57) R.C.R. (Civil) 210, CR-450-2024 titled as 'Krishna Devi and others Vs. Gopal Krishan and others' decided on 08.07.2025 and CR-9251-2018 titled as 'Navdeep Kaur and others Vs. Gurcharan Kaur and another' decided on 03.03.2020 to contend that additional evidence can be produced at any stage. Hence, he prays that the present revision petition deserves to be dismissed.**

4. I have heard learned counsel for the parties and perused the case file with their able assistance.



CR-3905-2025 (O&M)

-3-

5. A perusal of the case file shows that respondent/plaintiff filed civil suit for declaration and permanent injunction challenging the registered deed of transfer of ownership No.1125 dated 08.03.2016 registered in favour of the petitioner/defendant-Baldev Singh qua land measuring 16 Kanals and 07 Marlas. Written statement was filed on 02.04.2021. Issues were framed on 30.07.2021. Plaintiff led evidence from 08.04.2022 to 24.09.2024. Oral evidence was closed on 30.08.2024 and documentary evidence was closed on 24.09.2024. He availed 34 opportunities to conclude his evidence. The evidence on behalf of the petitioner/defendant commenced on 04.10.2024. Oral evidence was closed on 20.12.2024 and documentary evidence was closed on 03.01.2025. Evidence of both the parties were closed and the case was adjourned for rebuttal evidence and arguments on 05.02.2025, then to 13.02.2025, 18.02.2025 and to 25.02.2025. On 25.02.2025, respondent/plaintiff moved the application for additional evidence. The application moved by respondent/plaintiff is reproduced as under:-

*“In the Court of Additional Civil Judge (Senior Division),
Mansa*

*Major Singh Son of Surjit Singh, resident of Dhalewan, Tehsil
& District Mansa. ...Plaintiff*

VERSUS

*Baldev Singh Son of Surjit Singh, resident of Dhalewan, Tehsil
& District Mansa.Respondent*

*SUIT FOR DECLARATION AND PERMANENT INJUNCTION
Application granting permission for additional
evidence by way of producing statement of Jaswant
Singh Lambardar along with affidavit, statement of
Gurdeep Singh along with affidavit and
producing/exhibiting document i.e. Death
Certificate of Jangir Kaur.*

Respected Sir,



The application of plaintiff is submitted as under:-

1. *That the above-titled case is fixed for today.*
2. *That the plaintiff has forgotten to produce statement of Jaswant Singh Lambardar along with affidavit, Statement of Gurdeep Singh along with affidavit and forgotten for exhibiting document i.e. Death Certificate of Jangir Kaur in his evidence, which is Government record and could not prepared later on. It is necessary to exhibit above said documents by producing in the interest of justice and proper decision of case would not come without it. Therefore, permission be granted to plaintiff for leading additional evidence by way of producing statement of Jaswant Singh Lambardar along with affidavit and statement of Gurdeep Singh along with affidavit and exhibiting of Death Certificate of Jangir Kaur which is annexed with application.*
3. *Therefore, it is prayed by submitting application that by accepting the application of plaintiff, permission be granted for producing and exhibiting of above said documents in additional evidence.*

Dated: 25.02.2025

Submitted by:

*Major Singh Son of Surjit Singh,
resident of Dhalewan, Tehsil &
District Mansa.*

..Plaintiff”

6. It would be apposite to reproduce relevant portion of the order dated 20.05.2025 passed by learned Additional Civil Judge (Senior Division), Mansa, as under:-

“3 After hearing the contentions of learned counsels for the parties and perusing the record carefully, I am of the considered view that vide present application of additional evidence plaintiff Major Singh wants to exhibit some documents which were inadvertently not exhibited and wants to produce evidence of Jaswant Singh and Gurdeep Singh and death certificate of Jangir Kaur. So I am of the view that even if this evidence is led by the plaintiff then it would not cause loss to the defendant and defendant will be given full opportunity to lead evidence to rebut this additional evidence as every party is required to be given a level playing field to prove his case. Accordingly, the application for additional evidence stands allowed. Case is adjourned to 29.05.2025 for producing of additional evidence by the plaintiff.”



7. Learned counsel for the respondent himself has argued before this Court that the documents, which were the part of additional evidence annexed along with the application were already filed with the previous civil suit between the same parties and in fact, are not new documents. He further contends that the previous civil suit was withdrawn with liberty to file afresh. This contention of the learned counsel for the respondent itself shows that additional documents, which were placed on record by way of filing application, were very much in his knowledge and were in possession of the respondent and they were not placed on record intentionally just to delay the proceedings. The respondent failed to establish that such additional evidence was not within his knowledge and could not after exercise of due diligence be produced before the trial Court.

8. The judgments referred to by learned counsel for the respondent are of no help to him to contend that additional evidence can be produced at any stage, since it is his own admission that the additional evidence was the documents, which he filed with the previous civil suit between the same parties, which was dismissed as withdrawn by him with liberty to file afresh. It is not his case that he was not in the knowledge and possession of the documents and despite due diligence, he could not file the same with the civil suit.

9. Consequently, the present petition is **allowed** and the impugned order dated 20.05.2025 passed by learned Additional Civil Judge (Senior



CR-3905-2025 (O&M)

-6-

Division), Mansa, in Civil Suit No.683 dated 02.12.2019 titled as “Major Singh Vs. Baldev Singh”, is hereby set aside.

10. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

24.07.2025

Virender

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No