



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

(130)

CR-6232-2025

Date of Decision:-08.09.2025

GURCHARAN SINGH

... Petitioner

Versus

MOHINDER KAUR

... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Imran Farooqi, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. Petitioner has filed this petition under Article 227 of the Constitution of India assailing the Order dated 14.08.2025 passed by Civil Judge, Malerkotla, vide which, he has allowed the application of respondent/defendant for leading additional evidence despite withdrawal of earlier similar application, the order has been assailed on the grounds that defendant has already availed 24 effective opportunities to lead her evidence and the evidence sought to be led has no relevance to the suit property and defendant has failed to spell out the reason, why evidence was not produced earlier. The application was moved after closure of defendant evidence and rebuttal stage. Also, the report dated 14.03.2019, which was allowed to be proved pertains to different property and respondent/defendant has not disclosed the withdrawal of earlier application. Thus, the application was filed for delaying the disposal of the suit.
2. I have gone through the file carefully.
3. The learned Civil Judge in her well-reasoned order has exercised the jurisdiction vested in her properly and all the objections raised by the petitioner were rightly addressed by the Court below.
4. Relevant portion of the impugned order is reproduced as under:-



“7. The defendant intends to place on record report of Patwari dated 14.03.2019 of the suit property before the Court alleging that the plaintiff has not concern with the suit property and the plaintiff has mentioned the wrong sides of the suit property. The relevancy of the document cannot be doubted as it may prove the plea raised by the defendant. The counsel had stated that the report will be proved by examining the concerned revenue official who prepared the same. In such circumstances, its importance to the facts of the present case cannot be discounted. Accordingly, this objection raised by the plaintiff has not merit and stands discarded.

8. Another objection of the plaintiff is that the present application is not maintainable as it has been filed at the delayed stage of rebuttal evidence without listing any reason for not leading the evidence earlier. This objection also does not find any favour with the court for once the significance and relevancy of the document is before the court, delay though condemnable, is not sufficient to disallow the defendant to place on record the relevant evidence, for the courts are to ensure proper adjudication as per the true facts and the merits and for that, some discount in the procedural lapses and omission is admissible. Similarly, on this ground also the two pre conditions relied upon by the plaintiff do not outweigh the requirement of relevancy and significance of the evidence sought to be led.

9. Once the court has reached the conclusion that the evidence is relevant, the lack of diligence on the part of the party can be condoned as the endeavour of the court is always to dispose of the matter as per merits and not to penalize the party for the lack of assiduity. Therefore, this objection raised by plaintiff also stands discarded.”

5. Learned Court below has rightly contended that amount of delay in moving the application is not relevant once significance and relevancy of the document is proved on record, the defendant has taken a plea that the suit property does not falls within the khasra numbers as stated by the petitioner/plaintiff rather it falls within the redline of the village and petitioner/plaintiff has wrongly alleged that the property as bounded falls within the specific khasra number, and in order to substantiate her version, she wants to prove on record the report of Revenue Officers and record of the



Revenue Department, which has rightly been allowed by the learned Civil Judge. Withdrawal of earlier application has no consequence, when the evidence sought to be led is relevant and has been considered necessary for the just decision of the case by the Court below.

6. In the light of above, I find no illegality or infirmity in the exercise of the jurisdiction vested in the learned Civil Judge. The present revision petition has no merits and the same stands dismissed.

7. Pending application(s), if any, is/are disposed of accordingly.

08.09.2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

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