



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(127)

CR No. 7237 of 2025

Date of Decision : 29.10.2025

Jasvir Singh

...Petitioner

Versus

Jagjit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Ms. Manju Goyal, Advocate with
Mr. Pankaj Goyal, Advocate for the petitioner.

Amarinder Singh Grewal, J. (Oral)

1. The petitioner has filed the present Civil Revision Petition under Article 227 of the Constitution of India read with Section 151 CPC seeking quashing/setting-aside of the order dated 10.09.2025 (Annexure P-1) passed by the learned Additional Civil Judge (Sr. Divn.), Sri Muktsar Sahib, whereby the application filed by the petitioner under Order 41 Rule 27 CPC for leading additional evidence, has been dismissed.

2. Brief facts of the case are that the petitioner-plaintiff filed a suit for permanent injunction restraining the respondent-defendant from dispossessing or causing any interference in the ownership and peaceful possession of the petitioner-plaintiff and from dispossessing the petitioner-plaintiff from house/land measuring 4 kanals 0 marla out of land measuring 8 kanals 0 marla bearing khewat nos. 1569/1488 min, 1620/1541, khatauni nos. 2291, 2377 rect. no. 128, killa no. 12/1 (6-18) killa no. 11(6-7) situated at Village Thandewala, Tehsil and District Sri Muktsar Sahib, as shown in the site plan.



3. Upon notice, the respondent-defendant appeared and filed his written statement. Both the parties led their respective evidence. During the pendency of the suit, the petitioner-plaintiff moved an application under Order 41 Rule 27 CPC seeking permission to place on record a pen drive, certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 and a copy of FIR No. 122 dated 14.06.2021.

4. Notice of the said application was issued to the respondent-defendant, who filed the reply. After hearing counsel for the parties, the learned Additional Civil Judge (Sr. Divn.), Sri Muktsar Sahib dismissed the said application vide order dated 10.09.2025 (Annexure P-1), which order is under challenge in the present Civil Revision Petition.

5. Learned counsel for the petitioner argued that the learned Lower Court committed a grave error in dismissing the application on the ground that it was filed to fill up lacunae. It was contended that the petitioner-plaintiff had already pleaded the facts relating to the additional documents in the plaint and that non-production of proposed documents at early stage was inadvertent. Learned counsel further contended that the learned Lower Court while passing the impugned order, failed to consider that it is settled proposition of law that a litigant cannot be penalized and made to suffer due to the lapse of his counsel. It was further contended that the additional evidence sought to be produced goes to the very root of the matter and is essential for just and proper adjudication of the lis.

6. It was further contended that Court can allow a party to produce fresh evidence even when evidence was concluded and arguments were heard. In support of his contention, learned Counsel for the petitioner



places reliance upon the judgment of the Hon'ble Supreme Court of India passed in Civil Appeal Nos. 2795-2796 of 2011, titled as ***K.K. Velusamy Vs. N. Palanisamy***, decided on 30.03.2011. Learned counsel for the petitioner-plaintiff prays that since the evidence sought by the petitioner-plaintiff is essential for the just and proper decision of the case, the impugned order dated 10.09.2025 (Annexure P-1) may kindly be set-aside and the petitioner-plaintiff be allowed to lead the additional evidence.

7. In view of the order proposed to be passed, notice is not being issued to the respondent as it would unnecessarily delay the proceedings and also entail additional expenses for the respondent.

8. I have heard learned counsel for the petitioner and have gone through the record with her able assistance.

9. It is evident from the record that in para 4 of the plaint, it was categorically submitted by the petitioner-plaintiff that on 11.06.2021, the respondent-defendant along with some persons forcibly entered the house of the petitioner-plaintiff with the intention to take possession of the house by pulling out the petitioner-plaintiff from the house. At that time, the petitioner-plaintiff was not present at the spot and when the son of the petitioner-plaintiff, namely, Sukhdeep Singh tried to stop them, they attacked him with intention to kill him. On the statement of above said Sukhdeep Singh, a criminal case bearing FIR No. 0122 dated 14.06.2021 was registered against the respondent-defendant and others.

10. The learned trial Court, while passing the impugned order dated 10.09.2025, recorded that the petitioner-plaintiff had availed approximately 20 opportunities to lead his evidence and his evidence was closed on



11.03.2024. It was not disputed that even the respondent-defendant had also closed his evidence and the case was fixed for arguments.

11. Since the facts regarding the FIR and related evidence were within the knowledge of the petitioner-plaintiff at the inception of the suit, and there is no satisfactory explanation for non-production of the said evidence earlier, the learned trial Court rightly held that the application was filed belatedly after a gap of over four years.

12. The law laid down in ***K.K. Velusamy's case (supra)*** cannot come to the aid of the petitioner, as the Hon'ble Supreme Court clearly held that additional evidence can be permitted only where its relevance is established and its non-production earlier is justified by valid reasons. In the present case, no such justification is forthcoming.

13. In view of the above discussion, this Court finds no illegality or infirmity in the impugned order dated 10.09.2025 (Annexure P-1) passed by the learned Additional Civil Judge (Sr. Divn.), Sri Muktsar Sahib warranting interference in the exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

14. Accordingly, the present Civil Revision Petition stands dismissed.

October 29, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No