IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Civil Revision No.58 of 2025
Decided on: 17th November, 2026

Rajeev Kumar Sharma ...Petitioner

versus

Ram Devi and others ...Respondents

Coram

Hon'ble Mr.Justice Jiya Lal Bhardwaj, Judge.

Whether approved for reporting?[1]

For the petitioner:	**Mr. B.S. Atri, Advocate.**
For the respondents:	**Mr. Sanjeev Kumar Motta, Advocate.**

Jiya Lal Bhardwaj, Judge(Oral)

The petitioner by way of present petition has assailed the order dated 07.05.2025 passed by the learned Civil Judge, Court No. II, Una, District Una H.P. (in short 'trial Court') whereby the application filed by him under Order VIII Rule 1A (3) read with Section 151 of the Code of Civil Procedure (in short 'CPC') came to be rejected.

2. The learned trial Court while rejecting the application has taken note of the fact that the petitioner, who is respondent in the eviction petition, which has been filed by the respondents for his eviction, was granted four effective opportunities to lead evidence. The prayer for further adjournment for examination of remaining

[1] *Whether the reporters of Local Papers may be allowed to see the judgment?*

witnesses was denied by the learned Rent Controller. Thereafter, the matter was listed for final arguments on 06.03.2025, which was adjourned at request of the parties and listed on 12.03.2025. Thereafter, the matter was listed on 21.03.2025, when the petitioner filed an application under Order VIII Rule 1A (3) read with Section 151 of the CPC, seeking permission to produce/place on record and prove the certified copy of Rent petition CIS Registration No.65/2013, titled, Ram Devi vs. Rajeev, certified copy of summons issued to Rajeev Kumar Sharma and Amit Kumar in Rent Case bearing CIS registration No.65/2013, certified copy of statement of Ram Devi along with affidavit in CR No.13 of 2021, certified copy of statement of Ram Devi recorded in case bearing CIS registration No.5/2013, certified copy of Rent Petition bearing registration No.64/2013, certified copy of statement of Ram Devi along with affidavit recorded in Rent Case bearing registration No.64/2013, certified copy of order dated 07.08.2008 passed in case No.2/2003, and uncertified copy of statement of Ram Devi and Rajeev Kumar recorded in Civil Suit registration No.326/2015, copy of bank certificate and copy of mediation settlement deed by leading evidence. It has been held by the learned trial Court that the timing and content of the applications make it apparent that it is an indirect attempt to re-open the case and hence rejected the application.

3. According to the petitioner, the above documents are material in nature and have a direct nexus with the issues involved in the present controversy. It was also averred in the application that the said documents could not be produced/filed earlier due to inadvertence despite exercise of due diligence and thus, prayed for permission to file the said documents.

4. The learned trial Court dismissed the application, observing that the petitioner had already been granted several opportunities to lead evidence and the matter was listed for arguments. The Court has also held that the application was an indirect attempt to reopen the evidence stage which has already concluded, particularly since the documents were already whtin the petitioner's knowledge.

5. Learned counsel representing the petitioner has vehemently argued that the learned trial Court has erred while rejecting the application. It has illegally observed that no good cause for placing the documents on record has been shown by the petitioner and dismissed the application in slipshod and cursory manner. He further argued that the order under challenge is perverse and hence, the same deserves to be quashed and set aside.

6. On the other hand,the learned counsel representing the respondents has supported the order and contended that since the learned trial Court has rightly rejected the application, this Court while exercising the revisional jurisdiction cannot interfere with the said order once there is neither any perversity nor illegality committed by the learned trial Court.

7. I have heard the learned counsel for the parties and also perused the record carefully.

8. It is not in dispute that the matter was listed for the arguments on 06.03.2025 and the application seeking permission to produce the documents on record was filed only on 21.03.2025 averring therein that the petitioner wants to prove the aforesaid documents. The documents, which were sought to be produced were well within the knowledge of the petitioner and no reason has been set forth that why did he not produce the said documents when he was granted the opportunity to lead the evidence. In the order whereby the application has been rejected, it has been noticed that the petitioner was granted four effective opportunities to lead evidence. By simply saying that the documents could not be produced due to inadvertence despite exercise of due diligence cannot be a ground to allow the litigant to file an application at the stage of argument.

9. Learned counsel for the petitioner has placed reliance upon the judgment passed by a coordinate Bench of this Court in **Anil Kumar Gupta and others** vs. **Madan Gopal alias Madan Lal**, 2026 (2) Shim. LC 823 and contended that since in the said case, the Court had allowed the application filed under Order VII Rule 14 of the CPC, the application filed by the petitioner ought to have been allowed.

10. I have gone through the aforesaid judgment passed by a coordinate Bench of this Court and the ratio laid down in the said judgment is not attracted to the facts of the present case for the simple reason that in that case, the application was filed when the evidence was being led by the parties. However, in the present case, as already noticed above, the application came to be filed only when the matter was listed for arguments.

11. Since the learned trial Court has considered the application in right perspective and has rejected the same by assigning reasons, I do not find any infirmity or illegality committed by the learned trial Court while rejecting the application filed by the petitioner which warrants interference.

12. Consequently, I do not find any merit in the present petition and the same is accordingly dismissed. However, there shall

be no order as to costs. Pending applications, if any, also stand disposed of.

17th November, 2026 (**Jiya Lal Bhardwaj)**
(naveen) **Judge**