



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

(124)

CR-2195-2026 (O&M)
Date of Decision: **30.04.2026**

RUCHIKA GUPTA

... Petitioner

Versus

BALMUKAND (SINCE DECEASED) THROUGH HIS LRS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Vikas Gupta, Advocate and
Mr. Manish Kansra, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The petitioner invokes the supervisory jurisdiction of this Court under Article 227 of the Constitution of India, assailing the legality and propriety of the order dated January 5, 2026 (Annexure P-1). By way of the impugned order, the learned Rent Authority, Patti, dismissed the petitioner's application for additional evidence in an ejectment petition instituted under Section 13 of the Punjab Rent Act, 1995.

1.1. Following the joinder of parties and completion of pleadings, issues were settled on January 20, 2023, and the petitioner was directed to lead affirmative evidence. In the ensuing proceedings, the petitioner deposed as PW-1 and produced Rajinder Kumar (PW-2) for his examination-in-chief on March 14, 2023; however, their cross-examination was deferred by the Court. Subsequent to the examination of Tarsem Lal (PW-3), the petitioner moved an application for the



amendment of pleadings under Order VI Rule 17 of the Code of Civil Procedure, 1908, which was allowed on May 17, 2023.

1.2 In the post-amendment stage, the petitioner (PW-1) was cross-examined on August 3, 2024, and the cross-examination of Tarsem Lal (PW-3) was concluded on November 25, 2025. Although Rajinder Kumar had been previously tendered as a witness, the petitioner's evidence was formally closed by order of the Court on May 27, 2025.

2. Subsequent to the petitioner's evidence, the respondent examined two witnesses and formally closed their evidence on October 24, 2025. At this stage, the petitioner moved an application before the learned Rent Authority seeking leave to lead additional evidence. The petitioner sought to examine Rajinder Kumar and Dharminder Singh (marginal witnesses to the sale deed), Wazir Singh (Deed Writer), and Ravi Passi (Architect), contending that their testimonies are indispensable for the effective adjudication of the matter. However, the learned Rent Authority dismissed the said application vide the impugned order. Aggrieved by this denial of opportunity to supplement the record, the petitioner has preferred the instant revision petition, challenging the procedural propriety and legality of the dismissal.

3. I have solicitously considered the oral submissions advanced by the learned counsel for the petitioner and have conducted a comprehensive and minute scrutiny of the paper-book and the accompanying record to determine whether the impugned order suffers from any jurisdictional error or patent illegality.



4. Learned counsel for the petitioner strenuously contended that the impugned order is wholly illegal, arbitrary, and vitiated by patent material irregularity in the exercise of jurisdiction. It was submitted that the learned Rent Authority failed to appreciate that the subject sale deed constitutes the foundational document establishing both the claim of ownership and the jural relationship of landlord and tenant between the parties. Counsel argued that granting a limited opportunity to lead additional evidence would subserve the interests of justice without causing any legal prejudice to the respondent, emphasizing the settled principle that procedural law is the handmaid of justice and should not be deployed to defeat the substantive rights of litigants.

4.1. Conversely, in dismissing the application, the learned Rent Authority recorded a categorical finding that the petitioner's plea was an attempt to fill up lacunae in the case. The Court observed that the application was conspicuously silent regarding the failure to examine these witnesses during the stage of affirmative evidence, despite the petitioner having availed herself of more than twenty opportunities over the course of the trial.

4.2. The learned Rent Authority further noted that the petitioner failed to satisfy the threshold for additional evidence, as there was no averment suggesting that the applicant was previously unaware of these witnesses or the relevance of their testimony. The Court held that in the absence of due diligence, such an application could not be entertained at a belated stage. The relevant portion of the application moved by the petitioner is reproduced hereinbelow:-



“XXXXXXX

2. That during the trial of this petition P.W. Rajinder Kumar's affidavit was tendered, however, he could not turn up for cross examination and sale deed was not exhibited in his evidence.
 3. That other witnesses of the sale deed in favour of petitioner, Dharwinder Singh Nambardar is to be examined.
 4. That inadvertently or due to oversightness, this witness was not cross examined and Rajinder Kumar was given up for unnecessary for not turning up for his cross examination.
 5. That a party could not suffer for lapse of counsel and due to his inadvertence.
 6. That no prejudice is likely to occur to the respondent, if additional evidence sought for is allowed in the interest of justice, fair play and equity.
 7. That besides this P.W. Wazir Singh Deed Writer Patti, Ravi Passi Architect Patti who has prepared the site plan of the property in dispute are to be examined in additional evidence for the just decision of the case.
 8. That requisite court fee has been affixed upon the application.”
5. A critical examination of the application for additional evidence reveals a total absence of cogent explanation as to why the proposed witnesses were not examined during the petitioner’s affirmative stage. Significantly, despite Rajinder Kumar (PW-2) being tendered for his examination-in-chief, he was subsequently abandoned as unnecessary without any stated justification. Furthermore, the timing of the application is problematic; it was preferred only when the matter was posted for final arguments, following the conclusion of the respondent’s evidence. Such a



belated attempt to introduce evidence, after the case has reached its finality, points toward an effort to circumvent procedural timelines rather than a genuine quest for justice.

6. It is a fundamental tenet of law, consistently reiterated by the Hon'ble Supreme Court, that a litigant is under a continuous obligation to exercise due diligence and remain vigilant throughout the pendency of the litigation. The responsibility for prosecuting a case cannot be shifted entirely onto the shoulders of the engaged counsel. As dominus litis, the parties themselves bear the ultimate accountability for the strategic and effective conduct of their proceedings.

6.1. In ***Salil Dutta v. T.M. and M.C. Private Ltd., 1993(2) SCC 185***, the Hon'ble Apex Court categorically held that *a litigant cannot absolve themselves of all responsibility by merely placing reliance upon an advocate. It was observed that negligence or inaction on the part of a counsel does not, in every circumstance, constitute a sufficient ground for condoning fundamental lapses or procedural defaults committed by the party.*

6.2. Furthermore, while the Hon'ble Supreme Court in ***Rafiq v. Munshilal, 1981(2) SCC 788***, extended limited latitude to litigants in specific contexts, it emphasized that *such indulgence is not a universal rule. The judiciary expects parties to remain actively engaged and vigilant in pursuing their legal remedies.*

6.3. Thus, it is well-settled that a litigant cannot take refuge under the plea of "counsel's conduct" to justify significant procedural defaults. There exists a corresponding legal obligation to monitor the progress of the



suit and ensure that material evidence is produced in a timely manner. In the present case, there is a conspicuous vacuum in the record explaining the petitioner's failure to lead this evidence at the appropriate stage. Consequently, no grounds exist for this Court to interfere with the well-reasoned findings of the Rent Authority. The revision petition, being devoid of merit, is hereby **dismissed**.

7. It is, however, clarified that the observations recorded here-in-above are strictly confined to the adjudication of the present revision and shall not be construed as an expression of opinion on the merits of the underlying dispute. Nothing stated herein shall prejudice or influence the rights, claims, or contentions of either party in any other proceeding, nor shall it be treated as a determination of any substantive question of fact or law in the main matter.

8. In view of the final adjudication of the principal matter, all pending miscellaneous applications, if any, stand disposed of accordingly. No further orders are required to be passed in this regard.

30.04.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No