



(128) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4274-2026 (O&M)

Date of Decision: 21.05.2026

MAMCHAND

...Petitioner

Vs.

PREETI AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Abhishek Chhoker, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Article 227 of the Constitution of India seeking setting aside of the impugned order dated 06.03.2026 passed by the learned Additional Civil Judge (Senior Division), Samalkha, whereby the application moved by the petitioner-defendant for permission to lead additional evidence was dismissed.

2. Briefly stated, the respondent/plaintiff instituted a civil suit seeking possession by way of specific performance of the agreement to sell dated 24.07.2009, along with consequential reliefs of permanent injunction and mandatory injunction in respect of the suit property. It was alleged by the respondent/plaintiff that the petitioner/defendant had entered into the aforesaid agreement to sell and had also received earnest money in pursuance thereof. Upon notice, the petitioner/defendant appeared and contested the suit by filing written statement, wherein the execution of the agreement to sell dated 24.07.2009 was specifically denied. The petitioner further denied having received any earnest money from the respondent/plaintiff or having delivered possession of the suit property. The petitioner asserted that the alleged

agreement was false and fabricated and that the respondent/plaintiff was not entitled to the relief claimed in the suit. Thereafter, the pleadings of the parties were completed. As recorded by the learned trial Court, no possibility of compromise existed between the parties and neither side opted for admission and denial of documents/pleadings. No replication was filed by the respondent/plaintiff. On the basis of the rival pleadings and contentions raised by the parties, the learned trial Court framed the necessary issues for adjudication of the controversy involved in the suit, which are as follows. The respondent/plaintiff thereafter concluded the evidence in support of the case.

“ 1. Whether there was agreement to sell dated 24.07.2019 for valuable consideration between parties as alleged? OPP.

2. Whether the plaintiff has been ready and willing to perform her own part of the contract of payment of balance sale consideration as alleged? OPP.

3. Whether if above issues are proved then plaintiff is entitled to decree of specific performance of contract with consequential relief of permanent and mandatory injunction as prayed for? OPP.

4. Whether the present suit is not maintainable? OPP.

5. Whether the suit of the plaintiff is barred by limitation? OPP.

6. Whether the plaintiff has no cause of action and locus standi to file the present suit? OPD.

7. Whether plaintiff has not come to the court with clean hands and concealed the true and material facts from court; OPD.

8. Relief.”

3. After conclusion of the evidence of the petitioner/defendant, an application was moved seeking permission to lead additional evidence for proving on record the demarcation report dated 16.10.2017. It was pleaded that the said document could not be produced earlier due to inadvertence and oversight, though the same is material and essential for the just and effective



adjudication of the controversy involved in the suit. The petitioner/defendant further asserted that the demarcation report clearly demonstrates that the respondent/plaintiff was never in possession of the suit property and, therefore, the proposed evidence goes to the root of the matter. It was also pleaded that no prejudice would be caused to the respondent/plaintiff in case the application was allowed, as an opportunity to rebut the said evidence could always be granted. The application was contested by the respondent/plaintiff by filing a reply. Upon consideration of the matter, the learned Civil Judge vide impugned order dated 06.03.2026 dismissed the application for leading additional evidence. Aggrieved against the said order, the petitioner/defendant has approached this Court by way of the present revision petition under Article 227 of the Constitution of India.

4. Learned counsel for the petitioner contended that the learned trial Court failed to appreciate that the proposed additional evidence is not only relevant and material, but is also necessary for the just and effective adjudication of the controversy involved in the suit. It is argued that the application has been rejected merely on the ground of delay, without considering the significance and evidentiary value of the document sought to be produced.

4.1 It is further contended that procedural law is intended to advance the cause of justice and is merely a handmaid of justice; therefore, the provisions relating to production of evidence ought not to be applied in an overly technical, rigid or pedantic manner so as to defeat the substantive rights of the parties. Learned counsel submits that the petitioner had sufficiently explained the circumstances under which the demarcation report dated



16.10.2017 could not be produced earlier and that the omission was neither intentional nor deliberate, but purely inadvertent.

4.2 Learned counsel further submits that the demarcation report is a material piece of evidence, as it allegedly establishes that the respondent/plaintiff was never in possession of the suit property. It is argued that no prejudice would be caused to the respondent/plaintiff if the additional evidence is permitted to be led, particularly when an opportunity to rebut the same can always be granted.

4.3 In support of the aforesaid submissions, learned counsel has relied upon the judgment of the Bombay High Court in *Mohanraj Rupchand Jain @ Chhajer vs. Kewalchand Hastimal Jain and others*, 2007 (1) Mh.L.J., wherein it was held that the provisions of Order VII Rule 14 CPC are intended to assist the parties as well as the Court in the matter of production of documentary evidence and are required to be construed liberally. It was further held that no pedantic approach should be adopted while enforcing such procedural provisions and that documentary evidence, which is relevant and material for proper adjudication, ought not to be ignored merely because it was not initially produced, unless serious prejudice is shown to have been caused to the opposite party. Reliance has also been placed upon the judgment of the Delhi High Court in *Nalini Lal vs. State of NCT of Delhi and others*, 2024 SCC OnLine Del 1485, wherein similar principles governing Order VII Rule 14 read with Section 151 CPC were reiterated.

5. In the present case, what has been sought by way of the application is not merely the production of certain documents as contemplated under Order VII Rule 14 CPC. Rather, the petitioner seeks permission to lead



additional evidence by examining the concerned revenue officials from the office of the Tehsildar, Samalkha along with the original demarcation record/report dated 16.10.2017. The purpose of the proposed evidence is to prove the demarcation proceedings and to substantiate the plea of the petitioner regarding possession and identity of the suit property.

6. The learned trial Court declined the application by specifically recording that the evidence of the petitioner/defendant had already been closed by Court order dated 18.11.2025 after granting sufficient opportunities to lead evidence. It was noticed that the petitioner/defendant had examined as many as five witnesses, yet no effort was made during the course of evidence to prove the demarcation report dated 16.10.2017. The learned trial Court further observed that the dispute in the suit pertains to specific performance of an agreement to sell and there was no controversy regarding the identity or demarcation of the suit property in the pleadings.

7. In the present case, the principal issue involved is whether the respondent/plaintiff is entitled to the relief of specific performance on the basis of the agreement to sell propounded in the plaint and denied by the petitioner/defendant. The identity of the property is admittedly not in dispute. The petitioner seeks to rely upon the demarcation report to establish possession over the suit property; however, demarcation proceedings are ordinarily conducted for identification and boundary determination of property and not for adjudication of possession of a particular party. It is also an admitted position that the demarcation report came into existence in the year 2017, whereas the petitioner continued to lead evidence till 18.11.2025. Despite having ample time and opportunities for nearly eight years, no steps



were taken by the petitioner to summon or prove the said record. The application seeking additional evidence was moved only after closure of the petitioner's evidence by Court order.

8. In such circumstances, the learned trial Court rightly formed an opinion that the application appeared to have been filed merely to delay the final adjudication of the suit, particularly when earlier also the petitioner had failed to conclude evidence despite availing sufficient opportunities, compelling the Court to close the evidence by order. This Court finds no illegality, perversity or jurisdictional error in the impugned order warranting interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. Procedural provisions are intended to facilitate expeditious adjudication of disputes and where the conduct of a party demonstrates deliberate delay in disposal of the proceedings, no indulgence is called for in revisional jurisdiction. Accordingly, the present petition being devoid of merit, stands **dismissed**.

(VIRINDER AGGARWAL)
JUDGE

21.05.2026

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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>