



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

CR-4251-2026 (O&M)
Date of Decision: 22.05.2026

Gurmail Singh	V/s	...Petitioner
Mamta Joshi and another		...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Rajiv Joshi, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 21.04.2026 passed by the Court of Additional Civil Judge (Jr. Divn.), Phillaur, vide which the application for additional evidence moved by the respondents-plaintiffs was allowed.

2. The facts, as emanating from the revision petition, are that a suit (Annexure P-1) for possession was filed by the respondents-plaintiffs as regards property (fully described in the plaint), measuring 10 marlas, situated in Village Kotli, Khakhian, Tehsil Phillaur, District Jalandhar (hereinafter referred to as "the suit property"). The suit was opposed by way of a written statement Annexure P-2.

4. During the course of the trial, an application (Annexure P-3) was moved by the respondents-plaintiffs for appointment of a revenue official as a local commissioner for demarcation of Khasra No.423. The said application was opposed by way of a response Annexure P-3/A. Vide order dated 10.09.2024, the said application was dismissed.

5. Against the said order, C.R.6053 of 2024 was instituted, which was dismissed vide order dated 27.11.2025 (Annexure P-4).

6. Thereafter, an application (Annexure P-6) was moved by the respondents-plaintiffs to produce and prove on record a certified copy of the application for demarcation dated 21.01.2026, the presence sheet and the report of the Halq Kanungo dated 06.02.2026 by way of additional evidence. The said application was opposed by way of a reply (Annexure P-7). By way of the impugned order dated 21.04.2026, the said application was allowed, leading to the filing of the present revision petition.

7. I have heard learned counsel for the petitioner.

8. Learned counsel for the petitioner submits that the impugned order is not sustainable. Learned counsel submits that the entire evidence of both sides had been concluded and evidence of the plaintiff had been closed by order of the Court after five years and after the respondents-plaintiffs having availed 51 opportunities. It has been submitted that under the circumstances, there was no occasion for the trial Court to have allowed the application for additional evidence.

9. Learned counsel also submitted that the impugned order amounts to a review of the previous order, vide which the application for the appointment of a local commissioner had been dismissed. It has been submitted that the said order had attained finality as revision petition against the said order had been dismissed. Learned counsel submits that under the circumstances, the application for additional evidence could not have been allowed. Learned counsel has also submitted that after the application has been allowed, the plaintiffs are again delaying the matter and are not producing the additional evidence. In support of his contentions, learned counsel places reliance upon the judgments in the case of ***Ram Rati v. Mange Ram (D) Thr Lrs. & Ors., (2016) 11 SCC 296, K.K. Velusamy v. N. Palanisamy, (2011) 3 SCC (Civil) 665 and Amarjit Singh v. Rachhpal Singh & Anr. (CR-4671-2013, decided on 12.01.2017).***

10. I have considered the submissions made by learned counsel for the petitioner.

11. No doubt, earlier an application for appointment of a local commissioner was moved by the respondents-plaintiffs which was dismissed vide order dated 10.09.2024 and against the said order, C.R.6053 of 2024 had been instituted, which was also dismissed vide order dated 27.11.2025. However, the application for appointment of a local commissioner and the civil revision were primarily dismissed on the ground that the Court cannot collect evidence on behalf of the plaintiffs and it is for the plaintiffs to prove their own case.

12. It is also not in dispute that a number of opportunities were availed by the plaintiffs to lead and conclude their evidence but despite the same, no demarcation was carried out. It is also not in dispute that the matter was at the stage of arguments when the application for additional evidence was filed.

13. However, the fact which is required to be kept in mind is that it is a suit for possession filed by the plaintiffs as regards the suit property. Attempts to get a local commissioner appointed earlier failed. However, the trial Court has rightly observed that the evidence sought to be produced by way of additional evidence would be essential for the just decision of the case.

14. In the considered opinion of this Court, there is no irregularity in the said finding and the Court concerned has rendered a decision in the interest of justice and for the just decision of the case. I do not find any irregularity in the same warranting interference. However, it would be expected that the Court concerned would not give undue leverage to the respondents-plaintiffs and would call upon the respondents-plaintiffs to lead and conclude the additional evidence in one effective opportunity, if the same has not been done till now. I have gone through the judgments relied upon by

learned counsel. However, the same would not come to the aid of the petitioner because neither in the present case some witness has been recalled for cross examination on left out points nor is there any attempt to fill up any lacunae.

15. Accordingly, no interference is called for in the impugned order and the challenge to the same is rejected. However, the revision petition is disposed of with the observation as regards grant of one effective opportunity to the respondents-plaintiffs for leading and concluding the additional evidence.

Pending application(s), if any, also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

May 22, 2026

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No