



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

CR-4477-2022(O&M)
Date of decision: 09.02.2026

Subash Chander Rai

... Petitioner

Versus

Navdeep Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. APS Sandhu, Advocate,
Mr. Ritish Jindal, Advocate, and
Mr. Ashish Kaushik, Advocate,
for the petitioner.

None for respondents No.1 to 3, despite service.

VIKRAM AGGARWAL, J. (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 27.09.2022, passed by the Court of Additional Civil Judge (Sr. Divn.), Amritsar, vide which the application filed by the petitioner/plaintiff for adducing additional evidence was dismissed.

2. The petitioner/plaintiff instituted a suit (Annexure P-1) for specific performance of the agreement to sell dated 09.07.2012, executed by the owner of the suit land, namely, S. Amarjit Singh, through his General Power of Attorney holder one Sh. Kamal Mahajan.

3. The suit was opposed by way of a written statement (Annexure P-2).

4. Concededly, evidence of both sides had concluded when an application (Annexure P-6) was moved by the petitioner/plaintiff for



adducing additional evidence. The petitioner/plaintiff wanted to produce on record two sale deeds dated 31.10.2012 & 22.04.2012, respectively, along with other documents viz. photographs and map, executed by Shri Kamal Mahajan in favour of Sh. Prince Khullar, Sh. Raj Pal Khullar, Smt. Raksha Khullar and Smt. Ashima Khullar, respectively, with a view to show that the power of attorney holder had executed sale deeds in favour of other persons also, as the stand which had been taken by the legal representatives of the owner of the land, namely, S. Amarjit Singh was that there was no authority with Shri Kamal Mahajan to alienate the land and that the Power of Attorney had been executed only authorizing him to manage the suit land. It was averred that the said documents were essential for the just decision of the case. It was also averred that since proper issues had not been framed, the said evidence could not have been led by the petitioner/plaintiff in rebuttal. It was also averred that no prejudice would be caused to the respondents/defendants if the petitioner/plaintiff is permitted to lead the said evidence.

5. The said application was opposed by way of a reply (Annexure P-7).

6. By way of the impugned order, the application for additional evidence was dismissed, leading to the filing of the instant revision petition.

7. No one appears on behalf of the respondents, despite service. Today, the matter was listed for service of respondent No.4, who is the sister of respondents No.1 & 2 and daughter of respondent No.3. Service to respondents No.1 to 3 would, therefore, be deemed to be valid service to respondent No.4 as well.



8. Learned counsel for the petitioner submits that the trial Court has gravely erred in dismissing the application for additional evidence. He submits that the issues had not been properly framed, as a result of which the said evidence could not be led in rebuttal, though, while closing the evidence in affirmative, the right to lead evidence in rebuttal had been retained. He further submits that even otherwise, the petitioner had duly been able to prove that the evidence sought to be produced was essential for the just decision of the case as the basic stand taken by the legal representative of late S. Amarjit Singh was that the Power of Attorney had been executed for the purpose of managing the suit land, whereas the said Kamal Mahajan had executed other sale deeds as well on the basis of a similar power of attorney as also on the basis of the same power of attorney. Learned counsel submits that the trial Court ignored the vital fact that the additional evidence sought to be led was essential for the just decision of the case. He has referred to the impugned order and submits that the same is not sustainable.

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

10. Concededly, the suit for specific performance of the agreement to sell dated 09.07.2012 was filed on the basis of an agreement to sell having been executed in favour of the petitioner/plaintiff by Sh. Kamal Mahajan on the basis of a general power of attorney executed in his favour by S. Amarjit Singh. The stand taken by the legal representative of S. Amarjit Singh is that the power of attorney had been given for the purpose of managing the suit land and S. Amarjit Singh had not authorized Sh. Kamal Mahajan to alienate



the same, therefore, he could not have entered into an agreement to sell with the petitioner/plaintiff.

11. Once this stand had been taken, it would have been open for the petitioner/plaintiff to, even otherwise, lead evidence in rebuttal after the evidence of the defendants. Be that as it may, in the considered opinion of this Court, the sale deeds and other documents sought to be produced by way of additional evidence would be essential for the just decision of the case, and in any case would come to the aid of the trial Court in coming to the conclusion as to whether the stand taken by the defendants is genuine or not.

12. That being so, the instant revision petition is allowed. The impugned order dated 27.09.2022, passed by the Court of Additional Civil Judge (Sr. Divn.), Amritsar, is set aside, and the application for adducing additional evidence is allowed. The trial Court is directed to grant two effective opportunities to the petitioner/plaintiff to produce his additional evidence on a date to be fixed as per the convenience of the trial Court, with equal opportunity to the respondents/defendants to lead evidence in rebuttal of the same, in accordance with law.

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

(VIKRAM AGGARWAL)
JUDGE

February 9, 2026

Rajan

Whether speaking / reasoned:
Whether Reportable:

Yes/No
Yes/No