

2026:PHHC:061341



CR-6430-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6430-2023

Date of decision : 22.04.2026

Sheelawanti and others

... Petitioners

Versus

Rishi Dev

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Puneet Kakkar, Advocate
for the petitioners.

Mr. Tejeshwar Singh, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 06.10.2023 (Annexure P-5) passed by the Civil Judge (Jr.Div.), Panipat, vide which the application dated 20.09.2023 (Annexure P-3) for additional evidence has been dismissed.

ARGUMENTS ON BEHALF OF THE PETITIONERS

2. Learned counsel for the petitioners has submitted that the petitioners had produced the documents Mark A, B and C on the court file but could not produce and prove the same in accordance with law and their earlier counsel inadvertently closed their evidence vide order dated



23.08.2023. It is submitted that thereafter an application for additional evidence was filed but the trial Court vide impugned order dated 06.10.2023 dismissed the said application on surmises and conjectures. It is submitted that the primary issue in the present case is with respect to the Will executed by Roshni Devi in favour of the plaintiff and in the said circumstances, the prayer for additional evidence has been made regarding the said three documents. It is submitted that the prayer with respect to other documents is not being pressed.

ARGUMENTS ON BEHALF OF THE RESPONDENT

3. Learned counsel for the respondent, on the other hand, has submitted that even as per Annexure P-6, the said alleged medical certificate which is from a private clinic is dated 08.09.2012 and was thus very much in knowledge of the petitioners and even as per their own case, they had produced the said documents along with other documents as Mark A, B and C and in case the petitioners were of the view that the said documents are relevant, then, they should have produced and proved the said documents in accordance with law. It is submitted that the present application for additional evidence is not maintainable as the provision of Order 18 Rule 17A CPC has already been abrogated. It is submitted that there is no due diligence in the present case and the petitioners had closed their evidence vide order dated 23.08.2023. It is submitted that the application has been moved only to delay the proceedings and thus, the same deserves to be dismissed and the impugned order deserves to be



upheld.

ANALYSIS AND FINDINGS

4. This Court has heard learned counsel for the parties and has perused the paper book and is of the opinion that the impugned order is in accordance with law and deserves to be upheld and the present revision petition being meritless, deserves to be dismissed for the reasons stated hereinafter.

5. The respondent-plaintiff had filed a suit for declaration to the effect that he was the owner of the agricultural land measuring 35 kanals 5 marlas situated in the revenue estate of village Palri, Tehsil Israna, District Panipat and further declaration was sought to the effect that mutation no.1899 in the name of Roshni Devi was illegal, null and void. A prayer for mesne profits was also made in the said suit. The said suit was filed on 04.08.2016. The written statement was filed by the petitioners and after the plaintiff evidence was concluded, the petitioners-defendants also closed their evidence vide order dated 23.08.2023. It is thereafter that the petitioners moved an application for additional evidence in which one of the prayer was that the treatment record of Roshni Devi be summoned to produce and prove her treatment. The said application was vehemently opposed by the respondent-plaintiff by filing a reply, which has been annexed as Annexure P-4. In the said reply, it was stated that the record which was marked as Mark A, B and C and which was with respect to the alleged treatment was very much in the knowledge of the petitioners-



defendants since very inception and they did not think it proper to prove the same in their evidence. It was further stated that the petitioners were only now trying to fill up the lacuna and delay the proceedings.

6. The trial Court vide order dated 06.10.2023 dismissed the said application by observing that the documents which were marked as Mark A, B and C were in the knowledge of the petitioners right from the beginning and were not duly proved and that the petitioners could not be now permitted to lead additional evidence in order to fill up the lacuna. One of the documents sought to be proved in additional evidence, which has been highlighted on behalf of the petitioners, and is annexed as Annexure P-6, is dated 08.09.2012. It is not in dispute that the evidence of the petitioners was closed on 23.08.2023 and the said document was very much in existence and in the knowledge of the petitioners prior to closing of their evidence and thus, in case the petitioners were of the opinion that the said document and the other documents were necessary, then the petitioners should have produced and proved the same in accordance with law at the time of leading their evidence.

7. Order 18 Rule 17 A of the CPC which provided for production of evidence not previously known or which could not be produced despite due diligence has already been deleted from the Code of Civil Procedure 1908. Thus, there is no right to lead additional evidence.

8. The Hon'ble Supreme Court in the case of *"Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil"*, reported as (2010) 8



Supreme Court Cases 329, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227, but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

9. Keeping in view the abovesaid facts and circumstances, the impugned order deserves to be upheld and is upheld and the present revision petition being meritless, deserves to be dismissed and is accordingly dismissed.

(VIKAS BAHL)
JUDGE

April 22, 2026.
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No