

**Sr. No.132****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-6553-2025 (O&M)****Date of decision: 07th April 2026****SUKHJINDER SINGH AND ANOTHER****.....Petitioners****versus****DHAN KAUR (SINCE DECEASED,
THROUGH LR)****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Naresh Prabhakar, Advocate
for the petitioners.

Mr. Dhawaljeet Dutta, Advocate
for the respondent.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present Civil Revision has been filed for setting aside the order dated 26.08.2025 (Annexure P1), passed by the First Appellate Court, whereby, the application filed the respondent under Order 41 Rule 27 CPC has been allowed.

2. In compliance of the order dated 22.12.2025, requisite documents have been filed in the Registry at Flag 'A'. The same are taken on record, subject to all just exceptions. Registry to tag the same at appropriate place.

3. As per the brief facts the respondent-plaintiff filed a suit for possession by way of specific performance of Agreement to Sell dated 07.05.2014 in respect to the land measuring 3 kanals, alleging that the petitioners-defendants agreed to sell the said land for a total sale consideration of Rs.3,75,000/- and received a sum of Rs.1,85,000/- as



earnest money from the respondent-plaintiff at the time of execution of the agreement to sell.

3.1. As per the pleadings of the petitioners-defendants, the execution of the agreement has been denied. The agreement to sell is alleged to have been forged and fabricated. A plea has been taken that the suit property is a joint ownership with the legal heirs of Hakam Singh and without partition, it could not have been subject to sale.

4. I have heard learned counsel for the parties and perused the paper book.

5. Though, in the pleadings, the petitioners-defendants have not taken any specific plea that Gurdeep Kaur (their mother) was the owner of the suit property at the time of alleged execution of the sale deed, however, the petitioner-defendant Amarjeet Singh, when appeared as DW-1, submitted the death certificate of his mother Gurdeep Kaur as Ex.D1, reflecting the date of her death as 14.12.2014. On the basis of the said document, the trial Court dismissed the suit filed by the respondent-plaintiff.

6. The unsuccessful respondent-plaintiff filed first appeal against the judgment and decree passed by the trial Court and also sought the relief of leading additional evidence by way of proving the date of death of the mother of the petitioners-defendants prior to the date of execution of agreement to sell by proving the records of submersion of ashes.

7. The main objection raised on behalf of the petitioners is that there is no explanation for delay in filing an application for leading additional evidence. The said objection has no merits since in the written statement, there was no specific plea taken by the petitioners-defendants that



their mother was alive at the time of the alleged execution of agreement to sell and she was the owner of the suit property. In such circumstances, where the plaintiff-respondent has been non-suited on the basis of the evidence i.e. death certificate and such document was never pleaded before the trial Court, the date of death of mother of the petitioners-defendants becomes a material point for consideration. The agreement to sell is alleged to have been executed by the petitioners-defendants. As to whether on that day, the petitioners-defendants were owner of the suit property or not and as to whether the mother of the petitioners-defendants was the owner having died subsequent to the execution of the agreement to sell, is a material point for consideration before the First Appellate Court.

8. In such circumstances, the additional evidence permitted to have been led by the First Appellate Court is to elaborate and elucidate a material point of controversy *inter se* the parties. Such an evidence would elucidate the matter in question and merely on the ground of delay, such an evidence cannot be discarded. Moreover, the petitioners-defendants will get an opportunity to rebut the additional evidence permitted to have been produced by the respondent-plaintiff.

9. Consequently, the present Civil Revision, being devoid of merits, is hereby **dismissed**.

10. Pending miscellaneous applications, if any, stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07th April 2026
simran

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No