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

CR-6733-2025 (O&M)
Reserved on: 30.03.2026
Pronounced on: 10.04.2026

SURJIT KAUR

....Petitioner

Versus

GURDEV SINGH AND OTHERS.

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Anuj Balian, Advocate
for the petitioner.

Mr. Fateh Saini, Advocate and
Ms. Sangeeta Sharma, Advocate
for the respondent No.1.

PARMOD GOYAL, J.**CM-21692-CII-2025**

For the reasons mentioned in the application, application preferred under Section 151 CPC, 1908 for placing on record the complete copy of zimni order dated 14.11.2023 passed by learned trial Court, Ambala as Annexure P-5 is allowed.

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Present civil revision petition has been preferred under Article 227 of the Constitution of India by petitioner-plaintiff being aggrieved by impugned order dated 01.08.2025 passed by learned Civil Judge (Junior Division), Ambala vide which application for leading additional evidence was dismissed.

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2. In his application for additional evidence, petitioner-plaintiff had claimed that respondent-defendant No.1 has sold suit property in favour of predecessor of petitioner-plaintiff however, mutation could not be sanctioned as per sale deed dated 31.03.1976. Taking benefit of said fact, defendant No.1 filed a suit for possession against defendant Nos.2 & 3 as well as father of petitioner-plaintiff and obtained *ex parte* judgment and decree qua the suit land. After coming to know about the said decree, petitioner-plaintiff had filed the present suit wherein respondents-defendants with *mala fide* intention had denied his signatures on sale deed dated 31.03.1976. Since, there was no specimen signatures pertaining to 1976, therefore, expert was not adduced in evidence at the time of plaintiff's evidence. However, during the defendant's evidence, defendant No.1 had produced certified copies of allotment letters of suit property as well as other properties which he had purchased from Tehsildar sales, however, he had intentionally not produced the original documents which bears the signatures of defendant No.1. Accordingly, for purposes of comparison of signatures with the signatures on sale deed dated 31.03.1976, petitioner-plaintiff had moved an application for additional evidence seeking directions to defendant No.1 to furnish original allotment letter as well as documents Ex.D7 to Ex.D21 and also for examination of handwriting expert to compare signatures on sale deed dated 31.03.1976 with signatures of defendant No.1 on Ex.D1, Ex.D7 to Ex.D21.

3. It was asserted that said documents were not annexed with the copy of written statement and it had come to record for the first time at the time of evidence of defendant in the shape of photocopies without producing the original. The said application of applicant was dismissed by learned

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Court. Aggrieved by same, petitioner-plaintiff had preferred CR No.608 of 2024 which was disposed of vide order dated 22.04.2025 wherein respondent No.1 had agreed to produce sale letter dated 01.04.1976 before the learned trial Court and with said direction to produce copy of Ex.D1 i.e. sale letter dated 01.04.1976, the revision petition was disposed of. Since, defendant No.1 had agreed to produce Ex.D1 and had claimed that he was not in possession of Ex.D7 to Ex.D21, another application for additional evidence was preferred by petitioner-plaintiff directing office of Tehsildar to produce original of documents Ex.D7 to Ex.D21 and for seeking examination of handwriting expert for comparison of signatures on sale deed dated 31.03.1976 with signatures of defendant No.1 on Ex.D1, Ex.D7 to Ex.D21. The said application was dismissed vide impugned order dated 01.08.2025.

4. The learned Court of First Instance had dismissed the application preferred by petitioner-plaintiff on the ground that same is not maintainable being second application for additional evidence and also on the ground that application has been made at belated stage of rebuttal and petitioner-plaintiff has failed to establish due diligence for leading additional evidence.

5. Learned counsel for the respondents-defendants has supported the conclusion arrived at by learned Court of First Instance vide impugned order dated 01.08.2025. It was asserted that defendant No.1 had denied execution of sale deed in his written statement and petitioner-plaintiff has no right to compare signatures when factum of allotment and full particulars thereafter were specifically mentioned in written statement as well as previous suit by way of additional evidence at the state of rebuttal. It was

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asserted that due execution of sale deed was within knowledge of petitioner-plaintiff who had already closed evidence in affirmative and previous application for additional evidence stand dismissed and vide revision only directions were given to produce Ex.D1 which was duly produced by defendant No.1 and therefore, second application for additional evidence is neither maintainable and has rightly been rejected by learned Court of First Instance.

6. In the present case, facts are not in dispute that defendant No.1 had denied his signatures on sale deed dated 31.03.1976 which has been relied upon by petitioner-plaintiff to claim suit property. However, defendant had not attached the documents through which he claimed his right over suit property with the written statement and these documents were produced for the first time by way of photocopies at the time of evidence of defendant No.1. Documents vide which defendant No.1 had acquired suit property and other properties came to the public domain and to the notice of petitioner-plaintiff only at the time of defendant No.1's evidence. Defendant No.1 cannot be allowed to take premium of his own doings, he ought to have filed the documents along with written statement which was not done by him. Mere mentioning of documents in written statement and previous suit wherein petitioner-plaintiff was proceeded *ex parte* cannot be held sufficient to conclude that petitioner-plaintiff had knowledge about the contents and nature of documents relied upon by defendant No.1. Even at the time of leading his evidence the originals were not produced and without producing originals and without resorting to secondary evidence, photocopies were exhibited in the evidence.

7. The Courts while accepting documentary evidence must insist

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on either exhibition of original document or must ensure production of original document when the documents are exhibited. In case, original documents are produced, they can be retained by learned Court while exhibiting them on record or to record that original has been seen and returned back to party exhibiting the same. In absence of original documents it can only be proved by way of secondary evidence.

8. In present case, upon coming to know about the availability of admitted signatures of defendant No.1 corresponding to signatures appended on sale deed relied upon by petitioner-plaintiff, he had preferred an application for additional evidence which was contested and dismissed by learned Court of First Instance vide order dated 14.11.2023. The petitioner-plaintiff had duly filed revision petition No.608 of 2024 wherein respondent-defendant No.1 had taken stand that he is in possession of original sales letter dated 01.04.1976 Ex.D1 alone and remaining documents in original i.e. Ex.D7 to Ex.D21 are in possession of authorities issuing the same. In revision petition, respondent-defendant No.1 agreed to produce sale letter dated 01.04.1976 before the trial Court and accordingly, petition was disposed of being infructuous in view of statement of respondent-defendant No.1.

9. The learned Courts below ought to have re-decided the application for additional evidence upon filing of sale letter dated 01.04.1976, however, same was not done. Since, only original sales letter was produced by respondent-defendant No.1, therefore, a second application for additional evidence in the facts and circumstances noted above whereby petitioner-plaintiff had sought direction to authorities to produce all Ex.D7 to Ex.D21 cannot be held to be belated or without due diligence. The

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opportunity to get comparison of signatures of defendant No.1 on sale deed has arisen to petitioner-plaintiff only on production of documents by defendant No.1. Signatures made by defendant No.1 during the corresponding period of execution of sale deed relied upon by petitioner-plaintiff came in public domain only during defendant's evidence. Therefore, the conclusion drawn by learned Court of First Instance that petitioner-plaintiff was not diligent and present application for additional evidence is not maintainable being second application and belated one is without any basis. Purpose of allowing additional evidence is to ensure just and effective adjudication of case. The main reason for which an application for additional evidence is to be allowed is whether same is required for just and effective decision of the case.

10. The dispute in present case is regarding due execution of sale deed in favour of predecessor in interest of petitioner-plaintiff. The claim of petitioner-plaintiff is that registered sale deed was executed by defendant No.1, whereas Defendant No.1 on the other hand is denying his signatures over the sale deed, executed in 1976. Therefore, the need to prove signatures has arisen only upon availability of admitted signatures of defendant No.1 on Ex.D1, Ex.D7 to Ex.D21 when same were produced for first time before Court during defendant's evidence, wherein admitted signatures appended by defendant No.1 around year 1976 are available. In the facts and circumstances of the case, therefore, the additional evidence sought by petitioner-plaintiff is clearly necessary for just and effective decision of the case.

11. Learned Court of First Instance has erred in dismissing application, application for additional evidence is accordingly allowed.



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Revision petition is allowed.

12. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)
JUDGE

10.04.2026

Ravinder

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No