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

**CR-7309-2024 (O&M)
Date of decision :27.08.2025**

Gagandeep Sharma

...Petitioner

Versus

Gobind Narayan Rampal and others

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Chetan Bansal, Advocate for the petitioner.

Ms. Gauri Neo Rampal, Advocate,
For respondent No.1 (through video conferencing).

HARPREET KAUR JEEWAN, J. (Oral)

1. Present revision petition under Article 227 of the Constitution of India has been filed for setting aside the order dated 20.11.2024 (Annexure P-1), passed by the Civil Judge (Junior Division), Amritsar, whereby application filed by the petitioner for producing additional evidence stands dismissed.

2. Reply already filed on behalf of respondent No.1 along with Annexures R-1 to R-11 is taken on record. A copy thereof supplied to the opposite side. Registry to tag the same at appropriate place.

3. The brief facts relevant to the present petition are that respondent-plaintiffs filed a suit for ejectment and possession of the suit property with mesne profit on the basis of ownership. It was contended that there was a previous round of litigation having been filed by the respondent-plaintiffs and others in the year 1973, raising a challenge to the lease-deed having been executed for want of legal



necessity and for no benefit to the joint family estate. In the said litigation, consequential relief of joint possession was sought by the plaintiff along with his father. The said civil suit was decided by the trial Court holding that the lease-deed was only for the lifetime of the original *Patta* holder and it was not a lease in perpetuity. It was further held that after the death of the lessee, the land would revert to the family of the plaintiff. The said litigation culminated in the judgment dated 09.03.2000 by the Hon'ble Apex Court. On the basis of the rights of the parties culminated in the first round of litigation, the respondent-plaintiff is alleged to have filed a civil suit for possession.

3.1 The suit has been contested by the petitioner-defendant by way of filing written statement (Annexure P-3), however, it has been admitted that the petitioner-defendants are legal heirs of the original lessee.

3.2 The parties led their respective evidence.

3.3 Thereafter, the petitioner filed an application for leading additional evidence. The petitioner intends to place on record the following documents pertaining to the litigation *inter se* plaintiff No.4 (respondent No.4 herein) and plaintiff no.1 (respondent No.1 herein):-

- (i) copy of the plaint and the counterclaim filed by the said respondents;
- (ii) the agreement to sell dated 27.08.2013 allegedly executed by respondent No.1 and others to sell the property;
- (iii) the partition petition having been filed by respondent No.1 and respondent No.4.

3.4 The Civil Judge, Amritsar-trial Court has dismissed the application by observing that the present suit pertains to the years 2018



and the defendants have closed their evidence in July 2024; the present application has been filed at the stage of rebuttal evidence and the applicant failed to specify the dates as to when he came to know about the documents. It was further observed that specified documents would re-open the case and even otherwise, applicants/defendants had sufficient time to produce the said documents, but it was not done.

4. Learned counsel for the petitioner submits that the petitioner wants to place on record only the said documents and he does not want to examine any witnesses, which will not cause any prejudice to the rights of the parties.

5. On the other hand, learned counsel for the respondents has opposed the present petition by filing reply. It is submitted that the present petition as well as the application seeking additional evidence was filed just to delay the proceedings. The rights of the parties stood adjudicated in the first round of litigation, and the present suit has been filed seeking possession on the basis of judgment and decree passed in the previous litigation. It is further contended that the petitioner has made wrong averment that he was not aware of the agreement to sell, which is sought to be placed on record by way of additional evidence. It is contended that in the earlier civil suit bearing No.98815 of 2013 (R-4), Padam Dev, father of the petitioner, sought permanent injunction and Rajinder Singh Saba was impleaded as respondent No.11 in the said civil suit, who is also one of the attesting witnesses of the alleged agreement to sell. It is further contended that in the said civil suit, respondent No.1-plaintiff was cross-examined (Annexure R-6) by the counsel appearing on behalf of father of the petitioner, whereby respondent No.1-plaintiff has disclosed about the agreement to sell. It



is further contended that respondent No.1-plaintiff disclosed about the civil and criminal cases pending against the third party during the cross examination conducted on 23.08.2022 (Annexure P-8) in civil suit bearing No.6580 of 2018 and the said cross-examination was conducted on behalf of counsel for the petitioner.

6. I have considered the aforesaid submissions and perused the paper-book.

7. The trial Court has declined the prayer of the petitioner to lead additional evidence primarily on the grounds that the petitioner had failed to disclose the time period when he came to know about the present documents. No doubt, additional evidence can be permitted at a belated stage, however, the party should be fair in filing such an application. In the proceedings conducted in the previous litigation, as reflected in the reply filed on behalf of plaintiff-respondent, it is evident that these documents were well within the knowledge of the petitioner. Moreover, both sides have already concluded their evidence, and the matter is at the final stage.

8. In view of the aforesaid reasons, no interference is called for in the impugned order passed by the Civil judge.

9. Consequently, present petition has no merit and is accordingly dismissed.

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

27.08.2025

P.Bhatt/atulsethi

**[HARPREET KAUR JEEWAN]
JUDGE**

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No