



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 56 of 2026
Date of Decision: 24.03.2026

Khem Singh

...Petitioner.

Versus

Dila Ram

...Respondent.

Coram

Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?¹

For the petitioners: Mr. Vikrant Chandel, Advocate.

For the respondent: Mr. Yug Singhal, Advocate.

Romesh Verma, Judge (oral)

The present petition arises out of the order passed by the learned Senior Civil Judge, Court No.1, Mandi, H.P. dated 07.01.2026, whereby an application filed by the petitioner/defendant under Order 8 Rule 1-A CPC read with Section 151 of CPC for tendering in evidence copy of Jamabandi for the year 1973-1974 alongwith the copies of mutation Nos. 236 and 239, attested in the year 1989, has been dismissed.

2. Brief facts of the case are that the respondent/ plaintiff had filed a suit for declaration, possession, confirmation of joint

¹ Whether reporters of Local Papers may be allowed to see the judgment?

possession, prohibitory injunction and consequential relief under Sections 5, 34 to 38 of the Specific Relief Act. It has been averred in the plaint that the suit land was recorded in the non occupancy tenancy of late Sh. Fithiya, S/O Sh. Chaitru, as a non occupancy tenant, under the owners named Musamaat Nagan and Radhu. After acquiring ownership of suit land, said Fithiya died issueless and was survived by his two brothers namely Leghu and Jindu. Leghu was the predecessor-in-interest of the plaintiff, whereby Jindu was the predecessor-in-interest of defendant No.1, and proforma defendants Nos. 2 and 3. Acting clandestinely, Jindu, the predecessor-in-interest of defendant No.1 in connivance with the revenue authorities, acting at the back of Leghu (the predecessor-in-interest of plaintiff) got the proprietary rights entered into Jamabandi for the year 1973-74 by tempering the revenue record by cutting the name of Fithiya and overwriting the name of Jindu, without any mutation and order of any competent revenue authority. Therefore, the change as made in the revenue record is illegal, null and void.

3. The suit was filed by the plaintiff/ respondent on 30.06.2015 as revealed from the copy of the plaint appended with the present petition.

4. The suit filed by the respondent/plaintiff was contested by the petitioner/defendant No.1 by filing written statement, in which preliminary objections with regard to maintainability, cause of action, limitation and jurisdiction were taken. All the allegations as levelled in the plaint were refuted and the petitioner/defendant sought for dismissal of the suit.

5. Learned trial Court framed the issues and directed the respective parties to lead the evidence in support of their contention.

6. It has been apprised to this Court that the plaintiff closed his evidence on 05.11.2024 and thereafter, the defendants led their evidence and closed the same on 10.10.2025. After the closure of the evidence, an application under Order 8 Rule 1 A CPC read with Section 151 CPC was filed on 15.12.2025. In the said application a prayer was made to permit the defendants to place on record copies of mutation orders No. 236 and 239, vide which both tenants, namely, Sh. Jindu and Sh. Leghu were conferred ownership rights by the

operation of law under Section 104 of the H.P. Tenancy and Land Reforms Act and copy of Jamabandi for the year 1973-1974, being an extract of the original Jamabandi.

7. The said application was contested by the plaintiff and it has been averred in the reply that the application filed by defendants was highly belated as the suit was filed by the plaintiff in the year 2015 and the case is at the stage of final arguments. It has further been averred that after concluding the evidence led by the defendant, the case was listed for final arguments on 27.10.2025, 14.11.2025, 27.11.2025 and 17.12.2025 and the present application had been filed only to linger on the matter.

8. The learned Senior Civil Judge, Mandi, H.P. vide its order dated 07.01.2026 dismissed the application and came to the conclusion that applicant had failed to show due diligence and the application was highly belated.

9. Feeling dissatisfied, the petitioner/defendant has approached this Court against the impugned order as passed by the learned Trial Court.

10. Mr. Vikrant Chandel, learned counsel for the petitioner/defendant submitted that the impugned order, as

passed by learned trial Court, is erroneous in the eyes of law.

Since his client intends to place on record the certified copy of jamabandi, which is per se admissible, therefore, no prejudice would be caused to the other side, if the application is allowed.

11. On the other hand, Mr. Yug Singhal, learned counsel for the respondent/plaintiff defended the impugned order and contended that the application is an attempt to prolong the matter and in case the present application is allowed it would amount to denovo trial and it will virtually take the clock back and the parties shall be relegated to the year 2015. He further submitted that the present petitioner had failed to lead and prove due diligence in the application, therefore, the impugned order is legal and valid.

12. I have heard learned counsel for the parties and gone through the case file.

13. It is an admitted fact that the suit for declaration and injunction was filed by the plaintiff in the year 2015 and the written statement by the defendant was filed in 2016.

14. It is also undisputed that the defendants closed their evidence in the year 2025 and that the present application was filed thereafter.

15. A perusal of the application does not disclose what prevented the petitioner/defendant from producing the said documents at an earlier stage, particularly at the time of filing the written statement. The documents sought to be produced are certified copies of Jamabandi and mutations, which are public documents, and it cannot be presumed that these were not within the knowledge of the petitioner.

16. The stage of the case indicates that it has been repeatedly listed for final arguments. The petitioner has failed to demonstrate what prevented him from filing these documents earlier, and due diligence has neither been explained nor established in the facts and circumstances of the case.

17. In the opinion of this Court, the application is highly belated, and the learned trial Court has rightly rejected the same. Even otherwise, the defendant cannot be permitted to prolong the litigation unnecessarily when the case is fixed for final arguments.

18. The reasoning assigned by the learned trial Court is legal, valid, and sustainable, and does not call for any interference.

19. Consequently, the present petition, being devoid of merit, is dismissed.

All the pending miscellaneous application(s) if any, shall also stands disposed off.

(Romesh Verma)
Judge

March 24, 2026
(Nisha)

High Court of H.P.