IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 576 of 2026
Date of Decision: 05.10.2026

Uttam Chand (deceased)
through LR & others ...Petitioners.

Versus

Balmukand ...Respondent.

Coram
Hon'ble Mr. Justice Romesh Verma, Judge.
Whether approved for reporting?[1]

For the petitioners: Mr. Rahul Sharma, Advocate.

For the respondent: Ms. Shabnam, Advocate.

Romesh Verma, Judge (oral)

The instant petition has been filed assailing the order passed by the learned Senior Civil Judge, Court No. 2, Dehra, District Kangra, H.P., dated 25th August, 2026, whereby an application filed by the defendants/petitioners under the provisions of Order VIII Rule 1 (3) read with Section 151 of the Code of Civil Procedure for placing on record documents has been ordered to be dismissed.

2. The facts as emerge in the present case are that the respondent-plaintiff, Balmukand, filed suit for mandatory injunction and vacant possession in the Court of the learned Senior Civil Judge, Court No. 2, Dehra, District Kangra, against the present petitioners-defendants.

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

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3. As per the averments made in the plaint, it was stated that the land comprised in Khata No. 1, Khatauni No. 1, part of Khasra No. 136, measuring 0-50-94 hectares, situated in Mohal Khabli, Mauza Paisa, Tehsil Dehra, District Kangra, is recorded in the ownership and possession of the plaintiff.

4. As per the case of the plaintiff, the land had been inherited by the plaintiff from his father, late Shri Roshan Lal, by virtue of a gift deed which took place about 28 years back, and thereafter the plaintiff raised the construction of a cowshed over the suit land.

5. It has been stated that the defendants requested the plaintiff about three years ago to use the cattle shed of the plaintiff for some time, till the time they raise their own cowshed. The said permission was granted by the plaintiff and when he was in need of the cowshed for his own personal use, he requested the defendants to vacate the cattle yard and cattle shed owned by the plaintiff. The said request of the plaintiff was flatly refused by the defendants.

6. Therefore, under such circumstances, the plaintiff filed suit for mandatory injunction and vacant possession of the cowshed marked ABCD as shown in the site plan, along with the cattle yard and vacant land over the suit land. The said suit came to be filed by the plaintiff-respondent on 21st March, 2016.

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7. The suit was vehemently resisted by the defendants by filing written statement on 17th June, 2016, wherein all the averments made in the plaint were specifically refuted and denied.

8. It has been jointly stated and admitted by the learned counsel for the parties that the learned Trial Court framed the issues in the matter, and thereafter both the respective parties adduced evidence in support of their contentions. It has further been stated by the learned counsel for both the sides that the case was fixed for final arguments.

9. At this stage, the defendants/petitioners filed an application under Order VIII Rule 1 (3) read with Section 151 of the CPC for permission to place on record certain documents.

10. In the application, it was contended that father of the defendants had expired and after his death, they were not aware about the case titled Balmukund vs. Devi Chand, bearing Case No. 260 of 1992, and the said documents were traced in the year 2023.

11. Thereafter, the applicant tried to find out the certified documents of the case, and thereafter he applied to the said Court for requisitioning the case file of Case No. 260 of 1992. The applicant was not aware about the date of the decision, and after great difficulties, the file was traced and thereafter, the instant application has been filed for placing the said documents on record.

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12. The said application was contested by the non-applicant/respondent, and the learned Trial Court, vide its impugned order dated 25th August, 2026, dismissed the application.

13. Feeling dissatisfied the petitioner has assailed the impugned order on the ground that the impugned order is erroneous and liable to be set-aside.

14. On the other hand, learned counsel for the respondent has defended the impugned order. She submits that while exercising the power under Article 227 of Constitution of India will not interference in the well reasoned order.

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

16. In the present case, admittedly, the suit came to be instituted by the plaintiff way back in March 2016, and the written statement was filed by the defendants on 17th June, 2016. After the completion of the evidence by the respective parties, and that too at the stage of final arguments, the defendants have filed the present application. The contents of the application are very vague and cryptic, and it does not disclose what relevance the said documents have got in the present controversy at hand. There is no averment in the application as to what prevented the present petitioners from placing on record the documents as intended to be placed on record by the present application earlier in time.

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17. It seems that in order to prolong the matter in perpetuity, the instant application has been filed by the petitioners, and it is devoid of any merit.

18. The learned Trial Court, after taking into consideration the material placed on record, has rightly come to the conclusion that no case is made out for allowing the application under Order VIII Rule 1A(3) of the CPC.

16. As observed earlier, the petitioners/defendants have not been able to establish how the said documents are relevant for the adjudication of the present case and why the said documents were not placed on record prior in time.

19. This Court does not find any infirmity or illegality in the impugned order, that too while exercising power under Article 227 of the Constitution of India. Therefore, the present petition, being devoid of any merit, deserves to be dismissed.

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

(Romesh Verma)
Judge

October 5, 2026
(Nisha)

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