SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMS/2512/2026 Gogi Alias Gurprit Singh --Petitioner **Versus** State of Uttarakhand & another --Respondents **Hon'ble Manoj Kumar Tiwari, J.** Mr. Tarun Prakash Singh Takuli, Advocate for the petitioner. 2. Mr. Sudhir Kumar Nailwal, Standing Counsel for the State of Uttarakhand/respondents. 3. Proceedings under Uttarakhand Public Premises (Eviction of Unauthorised Occupants) Act, 1972 were initiated against petitioner, which resulted in passing of eviction order against him. He thereafter filed an appeal under Section 9 of the said Act, which is pending consideration before the Appellate Authority/District Judge, Champawat. 4. Before the Appellate Authority, petitioner moved an application under Order 41 Rule 27 CPC for bringing additional evidence on record. The said application was rejected by learned District Judge, vide order dated 13.07.2026. Thus, feeling aggrieved, petitioner has approached this Court. 5. It is contended that District Judge erred in rejecting the application for additional evidence filed by petitioner. 6. This Court is not impressed by the said contention. Learned counsel could not demonstrate why that evidence was not

produced earlier. The appellate authority holds the discretion to accept or reject the additional evidence, ensuring it is genuinely required to pronounce the judgment. Proceedings under Uttarakhand Public Premises (Eviction of Unauthorized Occupants) Act are summary in nature and the burden is upon the person, who is alleged to be in unauthorized occupation to prove that he has some right, title or interest over such land.

7. Even otherwise also, in summary proceedings, provision contained under Order 41 Rule 27 CPC cannot be invoked. This Court in Writ Petition (M/S) No. 1437 of 2020, while dealing with a similar issue has held as under:-

> *"**4**. Even otherwise also, proceedings under Uttar Pradesh Public Premises (Eviction Unauthorised Occupants) Act, 1972 are summary in nature, therefore, entire procedure laid down in CPC cannot be made applicable to these proceedings. Moreover, Section 8 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972 confers only some of the powers available to a Civil Court which are extracted below:-*
>
> *(a) summoning and enforcing the attendance of any person and examining him on oath;*
>
> *(b) requiring the discovery and production of documents;*
>
> *(c) any other matter which may be prescribed."*

8. Thus, there is no scope for interference in the matter. The writ petition fails and is dismissed. Petitioner however shall be at liberty to approach the Competent Authority seeking copy of the relevant documents.

(Manoj Kumar Tiwari, J.)
21.08.2026

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