

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R No.1620 of 2015

Date of Decision.09.03.2015

Smt. Chamna Devi

.....Petitioner

Versus

M/s Vikram Electric Equipment (Pvt) Limited

.....Respondent

Present: Mr. Ashish Yadav, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

-.-

K. KANNAN J. (ORAL)

1. The defendant, who is petitioner before this Court, is aggrieved that the plaintiff on whom burden was on a particular issue had closed his evidence already and after the defendant's evidence was closed, the plaintiff has been allowed the benefit of rebuttal evidence. According to him, the rebuttal evidence cannot be permitted on an issue where the burden of proof was already on the plaintiff. The counsel would also refer me to the decisions of this Court in Surjit Singh and others Vs. Jagtar Singh and others 2007(1) RCR (Civil) 537 and Mohan Pal Singh and another Vs. Karampal Singh and another 2010 (4) RCR (Civil) 627. While I find no point of dispute of a proposition of law which is raised that a person on whom the burden lies shall give evidence first on all issues where the burden was on him, I will still not fault the order passed by the Court below.

2. We must come by different approach to conduct trials, in

these hard days, where trials take a decade and more and any party who is facing litigation, if he goes through all the three different tiers of judicial adjudication, undertakes an arduous journey for at least three decades. We must adopt procedures which will make for disposals expeditiously. If the plaintiff has failed to give evidence on an issue which was on him and later seeks permission of the Court to let in additional rebuttal evidence though it cannot be taken as rebuttal evidence, the Court will not be without power to allow for additional evidence to be given under Section 115 CPC. I will take the order passed by the Court as under inherent jurisdiction to allow for additional evidence after the evidence was closed by the plaintiff in respect of issue for which burden of proof was on the plaintiff. The petitioner could be taken as justifiably prejudiced if the additional evidence that is now permitted to be given could go unchallenged by the defendant. After the conclusion of the additional evidence which the Court has allowed, the defendant shall have a right to give any rebuttal evidence to the particular issue which is now being sought to be introduced by the plaintiff.

3. With this liberty, the Court will head for disposal of the case as expeditiously as possible. With these observations, the revision petition is disposed of.

(K. KANNAN)
JUDGE

March 09, 2015
Pankaj*