

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

Civil Revision No.2559 of 2015 (O&M)

Date of decision: 10.04.2015

Sant Ram (deceased) through his LR's ... Petitioners

versus

Dina Nath (deceased) through his LR's and others Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Pritam Saini, Advocate,
for the petitioners.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The petitioners need to take responsibility for the act of indiscretion for not producing of the evidence that they were bound to produce on their return. An aspect of the case of which the burden of proof was on the plaintiffs and, therefore, affirmative evidence was necessary, cannot normally be brought at the stage of rebuttal evidence. There are authorities to that effect of Division Benches of this Court. Under normal circumstances, I will not find any cause for intervention of the order passed by the court below. However, I do not want to fetter the petitioners' right to produce even the additional evidence, for, this would necessarily involved an

opportunity to be granted to the defendant to refute the additional evidence which the plaintiffs are now proposing to give. It fetters the flow of trial of the case and the petitioners shall pay ₹15,000/- as costs to the respondent.

2. I dispense with notice only to effectuate a quick trial process and the court shall allow for the additional evidence to be given and also providing an opportunity to a defendant to give his own version to the case after the additional evidence is brought. The cost shall be paid to the contesting defendant within 2 weeks from the date of receipt of copy of this order.

3. The impugned order is set aside and the civil revision is allowed on the above terms.

(K.KANNAN)
JUDGE

10.04.2015
sanjeev