

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

C.R. No.3002 of 2015 (O&M)

Date of Decision.07.07.2015

Rita Arora

.....Petitioner

Versus

Kamaldeep Singh and another

.....Respondents

Present: Mr. Ashish Aggarwal, 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?

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K. KANNAN J. (ORAL)

1. After the plaintiff's side was closed and the defendant was examined and the case was posted for rebuttal evidence, the petitioner wanted additional evidence to be given through the power of attorney. The explanation given by the petitioner was that she was ill and old and she could not give her evidence in the first place. Non-examination itself is not the point at issue. Now the question is whether any additional evidence could be permitted to be given on an issue for which the burden is already there on the petitioner. If the plaintiff has closed the evidence earlier after tendering evidence on her side and the defendant has also given the evidence, the rebuttal can be only in respect of an issue, burden of which is on the defendant. An additional evidence cannot allow for opening the matters in respect of which the burden is on the plaintiff. If the plaintiff does not want to examine herself on account of illness and old age, she is free to do so but that evidence will be restricted only to a rebuttal evidence and not for additional evidence.

2. I find no scope for intervention but while dismissing the revision, I reserve to the plaintiff to examine her son as power of attorney only for the purpose of rebuttal and not for any additional evidence, if she chooses to give such rebuttal evidence. The revision petition is dismissed but with the above observations.

(K. KANNAN)
JUDGE

July 07, 2015
Pankaj*