

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 3699 of 2013 [O&M]
Date of Decision : February 4th, 2015

Subhash Dutta and another Petitioners

Versus

Shashi Bala
..... Respondent

CORAM : HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON

Present Mr. Parveen Kumar, Advocate,
 for the petitioners.

 Mr. Bhupinder Bagga, Advocate,
 for the respondent.

Dr. BHARAT BHUSHAN PARSOON, J.

Order dated 14.5.2013, vide which application of the defendants for de-exhibiting the documents, which the plaintiff, respondent herein, had tendered in her evidence was dismissed, is under challenged in this revision petition.

2. It is claimed that certain documents tendered in evidence by the plaintiff at the time of conclusion of her evidence were required to be put in evidence during leading of affirmative evidence by her and could not have been produced in rebuttal evidence.

3. This application was strongly contested. It was claimed that only those documents, which constituted rebuttal evidence, have been tendered except the documents [Ex. P2 to P4], about which evidence had already been led during the affirmative evidence. These have also been tendered. It is further claimed that rest of the documents were constituting rebuttal evidence of the plaintiff to the issues, onus of proof of which was placed on the defendants.

4. Hearing has been provided to the learned counsel for the parties.

5. During the course of arguments, it has not been disputed that plaintiff [respondent herein] while making her statement by way of affidavit Ex. PW-1/A, had already referred to the documents, Ex. P2 to Ex.P4 which inadvertently, at that time had not been tendered and have then been tendered later, i.e., on 26.4.2013. So far as other documents are concerned, those in any case constitute rebuttal evidence and have rightly been tendered at the time of conclusion of the evidence by the plaintiff. The impugned order is not only well written but also takes care of all the attending facts and circumstances.

6. No merit. Dismissed.

7. However, in the facts and circumstances of this case, the trial Court is directed to dispose of the main suit within a period of six months from the date of receipt of copy of this judgment.

(Dr. BHARAT BHUSHAN PARSOON)
JUDGE

February 4th, 2015
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1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?