

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

C.R. No. 6936 of 2015

Date of decision:- 21.10.2015

Neeraj Kumar

...Petitioner

Versus

Ganpat Singh & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. C.B. Goel, Advocate
for the petitioner.

RITU BAHRI J.(Oral)

Petitioner has filed the instant revision petition under Article 227 of the Constitution of India assailing order dated 30.09.2015 (P-4) passed by the learned Civil Judge (Jr. Divn.), Gurgaon whereby plaintiff/petitioner was declined to adduce evidence in rebuttal.

As per order dated 12.08.2015, the case was fixed for evidence of the defendants for 19.08.2015 and on 19.08.2015, counsel for the defendants stated that he does not want to produce any evidence on the additional issue and closed his evidence. The case was thereafter fixed for 25.08.2015 for rebuttal evidence. On that date, the case was again adjourned to 30.09.2015. However, on the date the learned trial Court passed the impugned order holding that the affidavit tendered by the plaintiff in rebuttal cannot be taken in to consideration and the said affidavit will not be read in evidence on the ground that several opportunities for leading

rebuttal evidence had been availed by the plaintiff.

A perusal of the zimini order shows that the plaintiff has not availed several opportunities for leading rebuttal evidence.

In view of the above, order dated 30.09.2015 (P-4) passed by the learned Civil Judge (Jr. Divn.), Gurgaon is hereby set aside and the instant revision petition is **allowed** and the trial Court is directed to give one effective opportunity to the petitioner to lead his evidence in rebuttal, subject to payment of Rs.3000/- as cost to be deposited before the District State Legal Services Authority, Gurgaon.

A copy of this order be given **dasti** under the signature of Court Secretary/Reader attached to this Court.

October 21, 2015
G Arora

(**RITU BAHRI**)
JUDGE