

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

**CR No.2074 of 2016
Date of decision:18.03.2016**

Mann Singh ... Petitioner
Vs.

Rajinder Singh ... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. H.S.Saggu, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-defendant is aggrieved of the impugned order 09.02.2016 (Annexure P-3), whereby, additional issue No.4-A regarding maintainability of the suit has been framed by placing the onus upon the petitioner-defendant to prove the same.

The grievance of Mr.Saggu, in the first instance is that the additional evidence is at belated stage which ought not to have been allowed as the suit is of 2008. There is apprehension that plaintiff in fact intends to fill up the lacunae in the evidence led in affirmative under the garb of additional evidence, therefore, the impugned order is not sustainable in the eyes of law.

I have heard learned counsel for the petitioner-defendant and appraised the paper book and of the view that after allowing the application for additional evidence, framing of additional issue No.4-A

has been permitted by placing the onus upon the defendant. Defendant would lead the evidence vis-a-vis issue No.4-A only and plaintiff will rebut it and the parties will not be permitted to lead evidence on the issues upon which evidence has already been led.

In view of the aforementioned observations, there is no illegality and perversity in the impugned order, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the impugned order is affirmed and the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

March 18, 2016
savita