

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

**CR No. 2235 of 2016  
Date of decision :08.09.2016**

**BUDHWANTI**

**..... Petitioner**

**VS**

**ANIL LAMBA AND ORS**

**.....Respondents**

***CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present : Mr. Ashok Kumar Khubbar, Advocate,  
             for the petitioner.

Mr. Dhawal Pratap Singh, Advocate,  
for respondent 1 and 3(i) and (ii).

**RAJ MOHAN SINGH, J. (Oral)**

As per office report, respondent No. 2 could not be served as she had left the given address after her marriage. Respondent No. 3(iii) and (iv) have refused to accept summons and affixation was made.

The petitioner has assailed the order dated 24.02.2016 passed by Civil Judge (Junior Division), Patiala refusing to grant permission to lead evidence in rebuttal under Order 18 Rule 3 read with Section 151 CPC. Issues were framed on 07.02.2014. Plaintiff closed her evidence on 05.02.2015 and reserved her right to lead her evidence in rebuttal.

The evidence of the defendants started with effect from 05.02.2015. At the instance of the plaintiff, additional issues viz. Issue No. 4(A) and 4(B) were framed on 15.10.2015. Issue No. 4(A) was in respect of property No. 360/2. This property was joint property

of the parties i.e of three brothers and was the subject matter of list and onus was on the defendants to prove the jointness of the property. After examining the witnesses and tendering documents in evidence, defendants closed their evidence on 10.02.2016. Thereafter, the plaintiff moved an application under Order 18 Rule 3 read with Section 151 CPC seeking to lead evidence in rebuttal. While closing the evidence of the plaintiff, the plaintiffs specifically reserved her right to lead evidence in rebuttal. With the framing of additional issues i.e. Issues No. 4A and 4B, the onus of the issues was on defendants and after leading the evidence, the plaintiff has all the rights by way of leading evidence in rebuttal. Plaintiff does not wish to lead any evidence in rebuttal in respect of an issue, the onus of which was on the plaintiff.

Learned counsel for the respondent has no objection to the extent of leading evidence in rebuttal on the subject matter covered under Issues No. 4A and 4B. In view of aforesaid consensus arrived at between the parties, this revision petition is accepted to the aforesaid extent. Since the suit was filed in the year 2007, in view of that, trial Court would make every endeavour to decide the suit expeditiously.

Disposed of.

**(RAJ MOHAN SINGH)**  
**JUDGE**

08.09.2016  
*sumit*

**Whether speaking/reasoned**  
***Whether reportable***

**Yes / No**  
**Yes / No**