

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

249

CR-2558 of 2015

DATE OF DECISION: 23.02.2016.

Bharat Bhushan Goyal th. His LRs Santosh Gupta and others

....Petitioners.

VERSUS

Surjit Kaur and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Aayush Gupta, Advocate for the petitioners.

Mr. Saurabh Bajaj, Advocate for respondent No.1.

Shekher Dhawan, J. (Oral)

Present petition is challenge to the order dated 03.04.2015 whereby rebuttal evidence of the plaintiff was closed by the Court order and case was fixed for arguments.

Learned counsel for the petitioner submits that two witnesses namely Rajesh Chawla and Handwriting Expert of FSL, Madhuban were ordered to be summoned as onus to prove issue no.3 to 6 was upon the defendant and the Court after allowing that rebuttal evidence to be led, closed the rebuttal evidence in a hurried manner though summons of Rajesh Chawla received back with the report that on that date he was not available on the address given.

Having considered the submissions made by learned counsel for the petitioner, this Court is of the view that the Court below while passing the order dated 03.04.2015 at the first instance allowed the application for leading rebuttal evidence and ordered to summon two

witnesses namely Rajesh Chawla and Handwriting Expert of FSL, Madhuban and the expenses were deposited with the Court and thereafter, passed the order thereby closing rebuttal evidence ignoring the report on the summon issued for 17.03.2015.

In view of the above fact, the present petition is accepted and order dated 03.04.2015 passed by the Court below is set aside and trial Court is directed to afford one opportunity to the petitioner to conclude his rebuttal evidence at his own responsibility. The petitioner to take dasti notices for effecting service and recording the statement of both the witnesses after giving one effective adjournment to the petitioner.

(SHEKHER DHAWAN)
JUDGE

23.02.2016.

komal