

207.

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

Civil Revision No.2902 of 2013

Date of decision:25.05.2016

Bawa Ram

... Petitioner

versus

Sanjay Mahajan

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. V.K. Sandhir, Advocate,
for the petitioner.

Mr. Sudeep Mahajan, Advocate, and
Ms. Manjit Saini, Advocate,
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The revision is against the plaintiff who did not avail to himself the opportunity of giving evidence on issues which were cast on him, but at the stage of rebuttal, he has sought to reopen the whole case and placed evidence on issues which were not merely against the defendant but issues on the plaintiff as well. The defendant is aggrieved that the plaintiff is now trying to give evidence on the so-called arrangement between the defendant and the plaintiff's father and when the possession was handed over to the plaintiff's father and taken back from the father as a licensee. There

are several other aspects of evidence which the counsel for the defendant-petitioner will point out to me as matters which could not be brought in at the stage of rebuttal.

2. I find the nature of suit itself is such that there is very little scope for evidence. The parties are at all times assisted by counsel, some perhaps over do and in this case, the plaintiff wants to give himself a fresh lease of life by giving evidence as though the case is opened for the first time. For the sheer indiscretion of not availing the opportunity of giving evidence on all aspects on which the burden of proof was on the plaintiff and seeking for such opportunity at the stage of rebuttal, I impose costs of ₹10,000/- to be paid by the plaintiff to the defendant. I maintain the order and allow the evidence brought through the affidavit as not merely evidence in rebuttal but as additional evidence. Consequently, the defendant will have a right to give his own evidence if he so chooses to do on aspects of the case which the plaintiff has brought up for the first time as regards the matters for which the burden was on the plaintiff. The court will allow for further progress of trial and permit evidence of the plaintiff only if he tenders costs on the date when the case is posted for hearing. The order is maintained and the civil revision is disposed of with the above directions.

(K.KANNAN)
JUDGE

25.05.2016
sanjeev