

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

**CR No.4772 of 2016(O&M)
Date of decision :08.08.2016**

Balbir Singh

.....Petitioner.

Versus

Piara Singh and Another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Sarju Puri, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

1. The present revision petition has been preferred against the order dated 03.05.2016 passed by the learned Civil Judge (Jr. Division), SBS Nagar, vide which the petitioner has permitted to file the correct affidavit. Respondents-defendants have also been permitted to file the fresh written statement and lead the evidence. However, the liberty to lead the further affirmative evidence to the petitioner has been declined.

2. The opportunity to file the fresh written statement has been granted to the respondents-defendants as the wrong copy of affidavit was supplied to them. On the basis of that they filed the written statement. So, no illegality has been

committed by the learned trial Court permitting the respondents-defendants to file the fresh written statement and allowed them to lead the evidence. There is also no illegality in declining the opportunity to the plaintiff for leading the evidence in affirmative as the plaintiff has already produced his affirmative evidence.

3. The present revision petition is hereby disposed of with a clarification that the right of the plaintiff-petitioner to lead the rebuttal evidence on the issues, the burden of proof of which is on the respondents-defendants, cannot be taken away and he will be entitled to lead the rebuttal evidence on those issues.

08.08.2016

S.khan

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No