

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

CR No.5276 of 2016(O&M)

Date of decision:10.11.2016

Harish Kumar and others

....Petitioners

VERSUS

Manav Samaj Kalyan Kendra Bharat Sakha

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Jagdish Manchanda, Advocate for the petitioners.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against order dated 22.07.2016 (Annexure P-3) passed by the Additional Civil Judge (Senior Division), Kurukshetra whereby application for permission to summon the witnesses in rebuttal evidence has been dismissed.

The petitioners have filed a suit for specific performance of agreement to sell dated 26.01.2007 and claimed relief of possession. On completion of pleadings of the parties, the trial Court framed issues on 02.04.2011.

The trial Court dismissed the application with the observations that the petitioners cannot be permitted to adduce evidence in rebuttal that was required to be led in affirmative.

Counsel for the petitioners has fairly informed that while adducing evidence in affirmative, the petitioners did not reserve their right to lead evidence in rebuttal qua issue(s), if any, onus whereof was placed upon the respondent/defendant. The controversy raised in the present

petition is squarely answered against the petitioners by a Division Bench of this Court in **Avtar Singh and another Vs. Baldev Singh and others,** **2015(5) RCR (Civil) 625.**

In view of what has been discussed hereinabove, finding no merit, the petition fails and is accordingly dismissed.

NOVEMBER 10, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no