

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

CR No.1039 of 2017
Date of decision : 12.10.2017

Tarjinder Singh and others

...Petitioners

Versus

Gurmukh Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Preetwinder S. Dhaliwal, Advocate for the petitioners

Mr. Harsh Goyal, Advocate for
Mr. Tribhawan Singla, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Defendants-petitioners are in revision petition against the order dated 01.02.2017 passed by the Civil Judge (Senior Division), Barnala.

The limited grievance of the petitioners is that the learned trial Court after framing an additional issue i.e. Issue No.3A, has fixed the case for arguments.

Learned counsel submits that once an additional issue has been framed, the trial Court was required to give opportunity to the parties to lead evidence.

Learned counsel for the respondents does not have any serious objections to the limited prayer made.

In view of the aforesaid, the order dated 01.02.2017 passed by

the Civil Judge (Senior Division), Barnala is modified.

Learned trial Court would grant opportunity to the defendants to lead evidence in support of their plea because the onus to prove the additional issue is on the defendants. Thereafter, the Court would grant opportunity to the plaintiff to lead evidence in rebuttal on additional issue framed by the trial Court.

In view thereof, the revision petition is disposed of with a direction aforesaid.

The trial Court would grant opportunity to the parties to lead their evidence within a period of two months from the date of receipt of certified copy of this order and take steps to finally dispose of the suit in accordance with law.

12.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No