

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

Civil Revision No.5994 of 2015 (O&M)
Date of decision: May 11, 2017

Kunti and others ...Petitioners

Versus

Jai Pal & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Neeraj Gupta, Advocate for the petitioners.
Mr. Gautam Bhardwaj, Advocate and
Mr. Rishi Nijhawan, Advocate for respondents No.1 & 5.

Rajan Gupta, J.(oral)

Present revision petition is directed against the order dated 25.08.2015, passed by Additional Civil Judge (Senior Division), Kaithal, whereby plaintiffs were denied the opportunity to lead evidence to rebut the additional evidence led by the defendants.

It has been urged by learned counsel for the petitioners before the court that once defendants have been allowed to lead additional evidence, an opportunity should have been afforded to the plaintiff/petitioners to rebut the same. Reliance has been placed on judgment reported as ***Ram Dass vs. Ranjit Kumar, 1995 (1) PLR 452***. It has also been stated before the court that the petitioner does not have to produce any witness. He only places reliance on certain documents.

Prayer has been opposed by counsel for respondents No.1 & 5.

It appears, a suit for declaration and joint possession was filed by the plaintiff/petitioners. Plaintiffs led their evidence in affirmative.

Thereafter, defence was given opportunity to lead its evidence. After conclusion of the evidence, the defendants moved application for additional evidence. Same was allowed by the court. Judgment and decree dated 13.05.2015 were allowed to be taken on record as Ex.DI and DJ respectively. At this stage, plaintiffs moved instant application to rebut the additional evidence. They sought to place certain documents on record. Stand of the petitioner is that they do not wish to examine any witness.

Under the circumstances, this court feels that one opportunity needs to be afforded to the petitioners to produce documents in question. This court finds support from the proposition laid down in *Ram Dass's case (supra)*. Impugned order is, thus, set-aside. Trial court would grant one opportunity to the petitioner to produce the documents. Needless to observe that parties shall be at liberty to address arguments on admissibility of evidence at the final stage.

Allowed in the above terms.

(RAJAN GUPTA)
JUDGE

May 11, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No