

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.1198 of 2018
Date of decision:20.11.2018

Balwinder Singh

... Petitioner

Vs.

Sukhwinder Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Arihant Jain, Advocate with
Mr. Varun Jain, Advocate and
Mr. Arun Jindal, Advocate
for the petitioner.

Mr. Sumit Puri, Advocate
for the respondent.

AMIT RAWAL J. (Oral)

The present revision petition is directed against the impugned order dated 11.01.2018, whereby, the respondent-plaintiff in the absence of any rebuttal issue has been given liberty to lead evidence in rebuttal.

It is a matter of record that in a suit for recovery of amount, the plaintiff's evidence was closed without giving any opportunity. In view of the parameters laid down by the Division Bench of this Court in **Avtar Singh and another Vs. Baldev Singh and others 2015(1) PLR 230**, the Court below could not have granted the liberty in rebuttal.

It is a common practice followed by the trial Court for not fixing the case for arguments and therefore nomenclature of rebuttal

evidence which is absent, thus, would not clothe the plaintiff to lead evidence in rebuttal.

Resultantly, the impugned order is hereby set aside and the revision petition is allowed.

(AMIT RAWAL)
JUDGE

November 20, 2018
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No