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

Civil Revision No.27 of 2016

Date of Decision : 27.07.2018

Banarsi Dass

.....Petitioner

Versus

Raj Kumari and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Madan Gupta, Advocate
for the petitioner.

Mr. Pritam Saini, Advocate
for respondent No.1.

Respondent Nos.2 and 3 ex parte.

B.S. WALIA, J. (Oral)

1. Challenge in the revision petition is to order dated 11.12.2015 passed by the learned Civil Judge (Jr. Divn.), Kurukshetra allowing application (Annexure P-1) filed by respondent No.1/plaintiff for leading evidence in rebuttal.

2. Grievance is that evidence which has been allowed to be led in rebuttal was in fact required to be led in affirmative. Faced with the aforementioned argument, learned counsel for the respondent states that the application was for being allowed to lead evidence in rebuttal or in the alternative by way of additional evidence and that the learned lower Court had considered one prayer only and not the alternate prayer. Learned

learned lower Court to consider and decide the alternate prayer. Aforementioned prayer is not opposed to by the learned counsel for the petitioner.

3. I have considered the submissions of learned counsel for the parties.

4. In the light of the stand of the counsel, the impugned order is set aside. The matter is remanded to the learned Civil Judge (Jr. Divn.), Kurukshetra to consider and decide afresh the application filed by respondent No.1/plaintiff in the light of alternate prayer made therein. Parties through counsel are directed to put in appearance before the learned Civil Judge (Jr. Divn.), Kurukshetra on 13.08.2018 for further proceedings in accordance with law.

5. Disposed of in the aforementioned terms.

July 27, 2018
sandeep

(B.S.Walia)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No