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

CR No. 3590 of 2018

Date of Decision: 25.05.2018

Rajinder Singh and others

....Petitioners

Vs

Narinderpal Singh @ Darshan Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. L.S. Sidhu, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioners have assailed the order dated 09.05.2018 passed by Additional Civil Judge (Senior Division), Phul, District Bathinda whereby application for leading evidence in rebuttal was dismissed.

2. Petitioners sought to examine Gobind Singh, Balvir Singh, Patwari and Kanungo Phul in rebuttal in context of issues, the onus of which was on the plaintiffs themselves.

3. The evidence of the plaintiffs was closed. Even thereafter, evidence of the defendants was also closed.

4. In view of law laid down in **Surjit Singh and others vs. Jagtar Singh and others, 2007(1) RCR (Civil) P&H 537 (DB); Jagdev Singh and others vs. Darshan Singh and**

others, 2007(1) RCR (Civil) 794 (DB) and Avtar Singh vs. Baldev Singh, 2015(1) PLR 230, the petitioners cannot be allowed to lead evidence in rebuttal on the issue, the onus of which was on the plaintiffs themselves.

5. No right to lead evidence in rebuttal was reserved by the plaintiffs.

6. In view of aforesaid position, no indulgence can be granted to the petitioners to lead evidence in rebuttal.

7. This revision petition is found to be totally devoid of merits and the same is accordingly, dismissed.

25.05.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No