

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CR No.1468 of 2016  
Date of decision:10.01.2019

Gulshan Ahuja

... Petitioner

Vs.

Shiv Shakti International

... Respondent

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Vivek Suri, Advocate  
for the petitioner.

Mr. Piyush Kant Jain, Advocate  
for the respondent.

**AMIT RAWAL J. (Oral)**

The present revision petition is directed against the impugned order dated 16.02.2016, whereby, an application submitted by the petitioner-plaintiff for leading rebuttal evidence in a suit for recovery of amount, has been dismissed.

Mr. Vivek Suri, learned counsel appearing on behalf of the petitioner submitted that even in the absence of rebuttal issue, once the plaintiff has reserved the right to rebut the evidence, same cannot be denied. He wanted to examine one Ramesh Munjal, to prove the transaction.

Mr. Piyush Kant Jain, learned counsel appearing on behalf of the respondent submitted that reservation of right would pale into insignificance in the absence of rebuttal issue. He has drawn the attention of this Court to the issues extracted in para 3 of revision petition and thus,

urged this Court for dismissal of petition.

I have heard the learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Suri. For the sake of brevity, issues framed in the suit read as under:-

- “1. Whether plaintiff is entitled to decree for recovery of amount Rs.2,85,480/- alongwith interest, as alleged?OPP
2. Whether the suit is not maintainable in the present form?OPD
3. Whether plaintiff has no cause of action to file and maintain the present suit?OPD
4. Whether the suit of the plaintiff is barred by limitation?OPD
5. Relief.”

On plain and simple reading of the issues aforementioned, there is no rebuttal issue. The petitioner-plaintiff cannot be permitted to lead the evidence in rebuttal despite the fact that he has reserved the right.

No ground for interference is made out.

Resultantly, the revision petition stands dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**January 10, 2019**

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No