

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

241

**CR No.5657 of 2018 (O&M)
Date of Decision:17.5.2019**

DALWINDER SINGH

.....Petitioner

Versus

DHANVEER SINGH

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Gaurav Singla, Advocate
for the petitioner.

Mr.Varun Jain, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has challenged the order dated 16.8.2018, passed by the Civil Judge (Jr.Divn.), Sunam District Sangrur, vide which the application filed by the petitioner for leading evidence in rebuttal was dismissed.

Neither any plea of minority of the defendant was taken in the written statement, nor any issue was framed in respect thereof. Issues No. 6 to 8 were framed to the following effect:-

“6. Whether the plaintiff is estopped by his own act and conduct from filing the present suit ? OPD

7. Whether the plaintiff has not come to the court

with clean hands ? OPD

8. Whether the agreement to sell dated 8.7.2011 was
without consideration ? OPD

Perusal of the aforesaid issues would show that onus
of the aforesaid issues was to be discharged by the defendant.
Defendant has led evidence on the aforesaid issues by leading
some evidence on the minority of the defendant as well. While
closing evidence in affirmative on 14.2.2017, plaintiff-petitioner
has reserved his right to lead evidence in rebuttal.

In view of above, plaintiff has a right to lead evidence
in rebuttal in respect of the evidence led by the defendant on
issues No.6 to 8. Reference can be made to **Avtar Singh vs.
Baldev Singh, 2015 (1) PLR 230.**

For the reasons recorded herein above, this revision
petition is allowed. Impugned order dated 16.8.2018, passed by
the Civil Judge (Jr.Divn.), Sunam District Sangrur is set aside.
Normal consequences to follow.

May 17, 2019
anita

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No