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

CR No. 795 of 2018 (O&M)
Date of Decision: 17.01.2019

Smt. Malkiat Kaur and another

-Petitioners

Vs

Mahesh Lal and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rohit Kapoor, Advocate,
for the petitioners.

Mr. Rakesh Gupta, Advocate,
for respondents No.1 and 2.

RAJ MOHAN SINGH, J. (ORAL)

Challenge has been made to order dated 09.01.2018 passed by Civil Judge (Junior Division), Jalandhar vide which affidavit filed by the plaintiffs-petitioners in rebuttal evidence has been allowed to be removed from consideration.

Plaintiffs filed a suit for permanent injunction restraining the defendants from interfering into peaceful running of passenger bus bearing No.PB-06-J-9524. Plaintiffs also sought relief of mandatory injunction, directing defendant No.3 to incorporate the vehicle on permit bearing No.90/Reg/Stage/88.

Onus to prove issue No.1 was on the plaintiff.

Issue was to the effect that “*Whether the plaintiff is entitled to relief of injunction as prayed for? OPP.*”

In the written statement filed by the defendants, factum of two dissolution deeds was specifically pleaded for which plaintiffs were required to lead evidence in affirmative. No such evidence was led by the plaintiffs and the evidence was closed. Thereafter, defendants also concluded their evidence.

At the stage of rebuttal, affidavit of Swaran Singh was tendered by the plaintiffs vide which plaintiffs sought to dislodge the dissolution deeds.

Plaintiffs sought to lead evidence in rebuttal in context of genuineness of dissolution deeds.

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 (DB)**, the plaintiffs cannot be allowed to lead evidence in rebuttal in respect of an issue, the onus of which was on the plaintiffs themselves.

There is no error of jurisdiction in the impugned order passed by the trial Court.

This revision petition is accordingly, dismissed.

17.01.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No