

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 737 of 2019

Date of Decision: 27.05.2022

Suba Singh

... Petitioner(s)

Versus

Santa Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Inderjeet Singh Brar, Advocate
for the petitioner(s).

Mr. G.S.Sandhu, Advocate
for the respondent.

Anil Kshetarpal, J.

1. The petitioner herein is a defendant in the suit filed under Section 38 of the Specific Relief Act, 1963, for grant of permanent and prohibitory injunction.

2. When the case was at the stage of rebuttal evidence, an application was filed by the plaintiff to examine the Handwriting and Fingerprint Expert, in rebuttal evidence. The trial Court, without examining as to whether such evidence, proposed to be produced, falls within the scope of rebuttal evidence, has allowed the application.

3. It is well settled that the plaintiff can be permitted to produce rebuttal evidence only with respect to the issue, onus whereof is on the defendant. A reference, in this regard, can be made to the judgments of two different Division Benches in *Surjit Singh and others vs. Jagtar Singh and others 2007 (1) RCR (Civil) 537* and *Jagdev Singh and others vs. Darshan*

4. Keeping in view the aforesaid facts, this revision petition is allowed and the order, under challenge, is set aside. The trial Court is directed to pass a fresh order on the application, after taking note of the scope of rebuttal evidence.

(Anil Kshetarpal)
Judge

May 27, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No