

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 1172 of 2019 (O&M)

Date of Decision: 12.07.2022

Paramjit Kaur

... Petitioner(s)

Versus

Malkit Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vivek Gupta, Advocate
for the petitioner(s).

Mr. Rishav Jain and Mr. Varun Jain, Advocates
for the respondents.

Anil Kshetarpal, J.

1. The petitioner is the plaintiff in a suit for grant of decree of declaration with a consequential relief of permanent injunction. She claims that her father has wrongly transferred the property in favour of his sister-in-law. The suit was filed in the year 2013. After the plaintiff and defendant have concluded their evidence, she filed an application for permission to lead rebuttal evidence, which was dismissed on 19.01.2019. Thereafter, she filed another application for permission to lead additional evidence in order to examine an official from Malwa Gramin Bank, Branch Bhai Ki Pishore. On 01.02.2019, the trial Court has dismissed the same on the ground that the plaintiff has failed to show that she was not aware of the aforesaid fact and due diligence on her part.

2. Heard the learned counsel representing the parties and with

their able assistance, perused the paper-book.

3. The scope of rebuttal evidence is well defined by the two different Division Benches of this Court in *Surjit Singh and Others v. Jagtar Singh and Others 2007(1) RCR (Civil) 537* and *Jagdev Singh and Others v. Darshan Singh and Others 2007(1) RCR (Civil) 794*. The rebuttal evidence is permissible to be led only on an issue onus whereof was on the defendant.

4. As regards the application for additional evidence, it would be noted here that from the very beginning, it is the case of the plaintiff that the sale deed, executed by her father, is without any consideration. Hence, the onus is on the plaintiff to prove that fact. Once the suit is based on a particular fact, the plaintiff is required to prove the same by leading evidence in the affirmative.

5. Keeping in view of the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

July 12, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No