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

CR-2775-2023 (O&M)

Date of Decision: 04.05.2023

Smt. Misarli Through Special Power of Attorney

....Petitioner

Versus

Santraj and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Gulshan Nandwani, Advocate
for the petitioner.

ARUN MONGA, J. (ORAL)

Revisionist is before this court seeking redressal of his grievance *qua* two orders, both dated 19.04.2023, Annexures P-3 & P-4, respectively, passed by Ld. Additional Civil Judge (Sr. Division), Bawal, whereby the application for additional evidence filed by plaintiffs/respondents No.1 to 6 herein, was allowed, without right of rebuttal evidence to the defendant.

2. Succinct relevant back round first, as pleaded in the instant petition.

2.1. Respondents No.1 to 6/plaintiffs have filed a suit for preliminary decree of partition with consequential relief of injunction. At the time of plaintiffs' evidence, they did/could not produce certified copy of *jamabandi* and list of proprietors for the year of 2015-2016. Later, when the case was fixed for final arguments, they belatedly filed an application for additional evidence which was opposed by the Petitioner/defendant No.22 on the ground of maintainability at this stage etc. However, Ld. Trial Court allowed the application vide impugned orders.

3. Heard.

4. Considering the nature, facts and circumstances of the case, issuance of notice to respondent/plaintiffs seems unnecessary and is, therefore, dispensed with.
5. In course of hearing, it transpires that petitioner is rather more aggrieved on denial of an opportunity to rebut the aforesaid documentary additional evidence, and not on *per se* permission granted to do so, especially, when case was already fixed for final arguments. On a Court query, learned counsel for petitioner states that in case defendant No.22 (petitioner herein) is given one effective opportunity for rebuttal *qua* the documentary evidence, the same would satisfy the ends of justice.
6. In view of the aforesaid, the instant petition is disposed of with the expectation from Ld. Trial Court that since the case is though now fixed for tomorrow i.e. 05.05.2023, but prior to hearing the final arguments, one effective opportunity to rebut the documentary evidence shall be provided to petitioner herein.
7. Pending application(s), if any, shall also stand disposed of.
8. Copy of this order be given to learned counsel for petitioner under the signatures of the Bench Secretary.

(ARUN MONGA)
JUDGE

May 04, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No