

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

CR-6002-2023
Date of Decision:-**09.10.2023**

VIJAYA MITTAL AND OTHERS

... Petitioner(s)

Versus

ANIL KHETAN AND OTHERS

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. J.K. Singla, Advocate
for the petitioners.

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KARAMJIT SINGH, J. (Oral)

1. The present revision petition has been filed by petitioners/plaintiffs against the order dated 25.09.2023 passed by the Court of Civil Judge (Junior Division), Bilaspur (Yamunanagar), whereby application (Annexure P-5) filed by the petitioner for permission to summon concerned clerk of Central Sale/Excise along with the concerned record by way of rebuttal evidence has been dismissed.
2. I have heard the counsel for the petitioners and gone through the impugned order.
3. It appears that the impugned order has been passed by the learned trial Court being swayed away by the observations made by this Court while passing order dated 18.8.2023 in Civil Revision No.2718 of

2023 whereby the order dated 18.4.2023 passed by the learned trial Court was set aside and the application filed by the petitioner seeking amendment of the plaint was allowed subject to payment of cost.

4. In case onus to prove some of the issues already framed by the trial Court, is on the respondents/defendants, then law requires that opportunity is to be given to the petitioners to lead evidence in rebuttal to the same and while doing so the trial Court is not to be influenced by the observations, if any, made by this Court in its earlier order dated 18.08.2023.
5. In light of the above, without commenting on the merits of the case, the present petition is allowed and the impugned order dated 25.9.2023 passed by the learned trial Court is set aside with direction to the said Court to decide application (Annexure P-5) afresh, as per the settled position of law as has been discussed above, without being influenced by any observation made by this Court in its order dated 18.08.2023 passed in CR-2718-2023.
6. Keeping in view the circumstances above, this petition is disposed of without issuing notice to the opposite party. However, liberty is granted to the respondents that if they feel dissatisfied with this order, they may move an application to recall the same.

09.10.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No