

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

2025.PHHC:065685



CR-4114-2022(O&M)

Date of decision: 16.05.2025

SARVESH KUMAR**..Petitioner****Versus****M/S COCOON OVERSEAS INDIA LTD.****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner.

Mr. Gagandeep Singh Virk, Advocate for respondent.

ANIL KSHETARPAL, J(Oral)

1. Through present revision petition, the petitioner/plaintiff assails the correctness of order passed by Civil Judge, Junior Division on 17.09.2022 while reviewing the order dated 25.08.2022.

2. The petitioner/plaintiff is owner of the disputed property, whereas, the defendant is a former tenant. The plaintiff claims that pursuant to a settlement, the defendant vacated the premises and in lieu of arrears of rent, the defendant gave him his machinery. Now, the plaintiff has filed suit for grant of decree of permanent injunction restraining the defendant from interfering in his possession with regard to machinery. The trial Court culled out the following issues:-

“1. Whether plaintiff is entitled to relief of declaration as prayed for? OPP

2. Whether plaintiff is entitled to relief of permanent injunction as prayed for? OPP

3. Whether the receipt dated 14.07.2009 is forged and fabricated? OPD

4. Whether plaintiff has not come to the Court with clean hands? OPD

5. Whether plaintiff has no locus standi to file the present suit? OPD

6. Relief.”



3. The plaintiff led his evidence. Thereafter, the defendant led his evidence. When the case was fixed for rebuttal evidence, defendant was permitted to examine handwriting and fingerprint expert to prove the receipt dated 14.07.2009, allegedly, executed by defendant. Subsequently, defendant filed an application for review, which was allowed on the ground that the plaintiff did not reserve his right to lead rebuttal evidence.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. Learned counsel for the petitioner has produced the copy of statement of the plaintiff recorded on 20.08.2016, wherein, he states that the plaintiff is closing his initial evidence. The exact word is '*Mudli*'. Learned counsel for the parties admit that it means 'initial evidence'. There is no statement of learned counsel for plaintiff closing his evidence. Moreover, the plaintiff is entitled to lead evidence in rebuttal with respect to issue, onus whereof is on the defendant.

6. Moreover, with the permission of the Court, the plaintiff has got the receipt examined from handwriting and fingerprint expert, now he is required to prove the same.

7. Such evidence could be treated as additional evidence to adjudicate the suit properly.

8. Hence, the revision petition is allowed.

9. All the pending miscellaneous applications, if any, are also disposed of.

May 16th, 2025

Ayub

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*

(ANIL KSHETARPAL)
JUDGE