



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7156 of 2024 (O&M)

Date of Order:26.03.2025

Dalip Singh

.Petitioner

Versus

Amrik Singh (deceased) through LR's and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Dhiraj Jindal, Advocate
for respondent no.1(i)

ANIL KSHETARPAL, JUDGE (Oral)

1. The plaintiff assails the correctness of the interlocutory order passed by the trial court refusing him permission to examine himself in the rebuttal evidence.

2. Upon analysis of the pleadings, the trial court culled out the following issues:-

- “1. Whether the plaintiffs are entitled to declaration as prayed for?OPP
2. Whether the plaintiffs are entitled to joint possession as prayed for?OPP
3. Whether the plaintiffs are entitled to permanent injunction as prayed for?OPD
4. Whether the plaintiffs have no cause of action to file the present suit?OPD
5. Whether the plaintiffs have not come to the court with clean hands and have suppressed material facts?OPD
6. Whether the suit is not maintainable in the present



form?OPD

7. *Relief.”*

3. As per the law, the plaintiff is required to step into the witness box first of all. The scope of rebuttal evidence has been delineated in two separate following Division Benches:-

Surjit Singh and others vs Jagtar Singh and others,
2007(1) RCR (Civil) 537;
Jagdev Singh and others vs. Darshan Singh and others,
2007(1) RCR(Civil) 794.

4. It has been laid down that the plaintiff has been permitted to lead rebuttal evidence only with respect to the issues, onus whereof was on defendant(s). The proposed deposition of the plaintiff will not fall under issues no.3, 4, 5 and 6. Thus, the trial court has correctly held that the plaintiff wants to lead affirmative evidence, which is not permissible.

4, Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

5. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

March 26, 2025

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