



CR-8494-2025

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

CR-8494-2025

Reserved on: 21.11.2025

Pronounced on: 28.11.2025

VIPIN KUMAR

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. P.K. Ganga, Advocate
for the petitioner.

Mr. Abhinav Mahant, Additional A.G., Haryana.

Mr. Akhil Ahuja, Advocate
for caveator/respondent No.5.

Parmod Goyal, J.

The present petition has been filed by petitioner/plaintiff who is aggrieved by impugned order dated 11.11.2025 (Annexure P-18), passed by learned Civil Judge (Junior Division), Dabwali vide which application for leading rebuttal evidence preferred by petitioner/plaintiff was dismissed.

2. Facts regarding issue before this Court are not disputed. Admittedly, vide order dated 13.05.2025, additional issues were framed on application for framing additional issues qua limitation. Following issues were framed:-

3-A) Whether the suit of the plaintiff is within the period of limitation or not? OPD

3-B) Whether the defendants are entitled for special cost under Section 35-A of CPC for false and vexatious suit or not?
OPD



3. No further evidence however was led by defendants/respondents and after framing of additional issues case was fixed for rebuttal evidence and for arguments. On 01.10.2025, petitioner/plaintiff moved an application for examination of handwriting and fingerprint expert, however, defendant No.4-Raj Kumari suffered statement that Special Power of Attorney dated 17.05.2021 is correct and she had put her signatures without any pressure and with her free consent and will. In view of the statement made by defendant No.4-Raj Kumari, the application to examine handwriting and fingerprint expert preferred by petitioner/plaintiff was disposed of on 01.10.2025 itself. Petitioner/plaintiff however had challenged the order dated 01.10.2025 before this Court. The revision petition bearing CR No.7603 of 2025 was disposed of on 24.10.2025 by this Court as withdrawn with liberty to move appropriate application before learned Trial Court if so advised to avail his remedies with respect to additional issues that had been so framed.

4. Subsequent to withdrawal of revision petition, petitioner/plaintiff had moved the present application seeking to examine the following witnesses in rebuttal evidence to additional issues. The witnesses so sought to be summoned are as under:-

- I. Concerned Clerk of Municipal Council Mandi Dabwali, along with whole transfer record from the name of Tara Chand son of Sant Lal in favour of Raj Kumari wife of Tara Chand along with president order dated 01.09.2016 regarding above transfer of name of Shop No.15, old grain Market, Mandi Dabwali, Tehsil Dabwali, District Sirsa.
- II. Concerned Clerk of Municipal Council (improvement trust Mandi Dabwali Merged in Municipal Council) Mandi Dabwali, along with notification of Government of Haryana



regarding Merging of improvement trust in Municipal Council Mandi Dabwali.

- III. Concerned Clerk of Municipal Council (improvement trust Mandi Dabwali Merged in Municipal Council) Mandi Dabwali, along with transfer of improvement trust property/sale deed/transfer deed in the name of Tara Chand son of Sant Lal regarding behind portion of shop no.15, old grain Market, Mandi Dabwali, District Sirsa related to improvement trust Mandi Dabwali.
- IV. Concerned Clerk of Municipal Council, Mandi Dabwali, District Sirsa along with notification of Government of Haryana bearing No.72-2020 dated 19.04.2023/No.5/9/2023-3MC comprehensive policy for all the Government departments/boards/corporations/authorities for disposing its properties (Shops/Houses/others in possession of an individual or private entity(ies) by way of rent/lease, for 20 years or more.

5. The above noted application moved by petitioner/plaintiff to examine aforesaid four witnesses was declined vide impugned order by learned Civil Judge (Junior Division), Dabwali.

6. It is admitted fact that after framing of additional issues on 13.05.2025 onus of which was upon defendants/respondents, no evidence was led by defendants/respondents as they had already concluded their evidence on the said issue much prior to framing of additional issues. Learned counsel for petitioner/plaintiff was specifically asked as to how the four witnesses being sought to be summoned by petitioner/plaintiff are required to rebut the additional issues i.e. Issues No.3A and 3B which are relating to limitation and whether suit is liable to be dismissed with special cost or not. However, no reasons or justification could be shown by petitioner/plaintiff to justify examination of four witnesses (sought in



rebuttal evidence) after framing of additional issues.

7. Rebuttal evidence does not mean a fresh opportunity to petitioner/plaintiff to lead his evidence afresh but it is only to rebut evidence led by defendants/ respondents on issues, onus of which was on defendants/respondents. Rebuttal evidence has to be restricted by petitioner/plaintiff only qua additional issues No.3A and 3B and will not give a fresh right to lead his evidence afresh or lead any additional evidence in support of his case in affirmative, onus of which was already upon petitioner/plaintiff.

8. The conclusion drawn by learned Court of first instance that petitioner/plaintiff in the garb of rebuttal evidence cannot be allowed to lead any additional/fresh evidence cannot be faulted with. It is worth noticing that additional issues were framed on 13.05.2025 and thereafter, matter remained pending for rebuttal evidence of petitioner/plaintiff. Despite multiple opportunities it was only on 01.10.2025 when petitioner/plaintiff preferred an application for examining handwriting and fingerprint expert, however in view of the statement of defendant No.4 who admitted her signatures, the application was dismissed and, thereafter, after failing to succeed in revision petition, petitioner/plaintiff is now seeking to adduce evidence in affirmative in the garb of rebuttal evidence. The manner in which petitioner/plaintiff is wanting to lead evidence in affirmative cannot be allowed in the garb of rebuttal evidence. Faced with the above, learned counsel for petitioner/plaintiff has placed reliance upon the following judgments:-

1. **Jagdish & Anr. Vs. Ranbir & Ors.**, 2015 (17) RCR (Civil) 161.
2. **Kewal Singh Vs. Jagjit Singh**, 2007 (4) RCR (Civil) 631.



9. The principle stated in judgments cited by learned counsel for petitioner/plaintiff are not in doubt. Right of rebuttal to rebut evidence led by defendants/respondents on an issue, onus of which is upon defendants, no doubt vest in petitioner/plaintiff and cannot be denied. However, in present case plaintiff in the garb of rebuttal is seeking to lead evidence in affirmative. Moreover, in judgment titled *Jagdish & Anr. Vs. Ranbir & Ors., 2015 (17) RCR (Civil) 161*, this Court had already held that in normal circumstances, plaintiff cannot be allowed to lead evidence in rebuttal qua which onus was on plaintiff. In the present case also, petitioner/plaintiff is wanting to lead evidence by examining witnesses which has no concern with additional issues, but pertains to issues, onus of which was upon petitioner/plaintiff. Petitioner/plaintiff had led evidence in affirmative and had availed due opportunities for the same. Therefore, none of the judgments cited by learned counsel for petitioner/plaintiff is of any help to his case. Revision petition is without any merit, hence is dismissed.

10. Pending application(s), if any, is/are also disposed of.

28.11.2025

chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No