



CR No. 2891 of 2026 (O&M) -1-

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 2891 of 2026 (O&M)
DATE OF DECISION: 02.04.2026

SANTOKH SINGH

.....PETITIONER

Vs.

SUKHWANT SINGH AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Ramesh Sharma, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J.(ORAL)

1. The prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 05.03.2026 (Annexure P-8), passed by the learned Additional Civil Judge (Senior Division), Nakodar, District Jalandhar, whereby the application filed by respondents/defendants No. 1 and 4 for discarding the affidavit Ex. PW4/A of the petitioner-plaintiff in rebuttal has been allowed and the said affidavit has been ordered to be discarded.

2. Brief facts of the case are that the petitioner-plaintiff filed a suit for permanent injunction under Section 38 of the Specific Relief Act, 1963, restraining respondents/defendants No. 1 to 4, namely Sukhwant Singh and Baldev Singh, along with Vinod Kumar and Sushil Kumar (defendants No. 2 and 3), their agents, attorneys, assignees, servants, representatives, etc., from raising any kind of construction over the specific portion, the details whereof have been mentioned in the plaint (Annexure



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P-1), and also from interfering in his peaceful possession. Notice of the said suit was issued to the respondents/defendants. Respondents/defendants No. 1 and 4 appeared and contested the suit by filing their written statement (Annexure P-2).

2.1 From the pleadings of the parties, seven issues, including the relief, were framed by the learned trial Court vide order dated 11.04.2023 (Annexure P-3). Thereafter, the case was fixed for evidence of the petitioner-plaintiff, who appeared and tendered his affidavit and thereafter closed his evidence. The defendants also closed their evidence. At the stage of rebuttal evidence, the petitioner-plaintiff tendered his affidavit Ex. PW4/A (Annexure P-5).

2.2 Thereupon, respondents/defendants No. 1 and 4 moved an application for discarding the said affidavit tendered in rebuttal (Annexure P-6), which was contested by the petitioner by filing a reply (Annexure P-7). The learned Additional Civil Judge (Senior Division), Nakodar, District Jalandhar, after hearing learned counsel for the parties, allowed the said application and ordered that the affidavit of the petitioner-plaintiff Santokh Singh be discarded, vide order dated 05.03.2026 (Annexure P-8), which is under challenge in the present petition.

3. Learned counsel for the petitioner submits that the affidavit of the petitioner-plaintiff could validly be tendered in rebuttal evidence. In support of his contention, he has relied upon the judgment of a Co-ordinate Bench of this Court in **Smt. Bala** vs. **Mukesh Singh and others**, 2024 (3) Law Herald 1107.



4. In view of the facts of the present case, this Court feels that issuance of notice to the respondents would unnecessarily delay the proceedings, as such, issuance of notice to the respondent is dispensed with.

5. I have heard learned counsel for the petitioner and have gone through the record.

6. The judgment relied upon by learned counsel for the petitioner in *Smt. Bala's case* (supra) is not applicable to the facts of the present case. In the said case, the suit was for specific performance and the trial Court had permitted the plaintiff to lead rebuttal evidence, including examination of a handwriting and fingerprint expert. However, in the present case, the petitioner-plaintiff filed a suit for permanent injunction under Section 38 of the Specific Relief Act, 1963.

7. This Court is of the considered opinion that if the petitioner-plaintiff intended to lead rebuttal evidence, he ought to have reserved his right to do so at the time of closing his affirmative evidence. However, no such reservation was made. Consequently, the affidavit Ex. PW4/A cannot be permitted to be taken on record by way of rebuttal evidence. The learned trial Court, upon proper appreciation of the facts and circumstances of the case, has rightly discarded the said affidavit.

8. Thus, this Court finds no merit in the prayer for setting aside the order dated 05.03.2026 (Annexure P-8), passed by the learned Additional Civil Judge (Senior Division), Nakodar, District Jalandhar. Finding no illegality or perversity in the impugned order, the present revision petition, being devoid of merit, is accordingly dismissed.



9. Pending miscellaneous application(s), if any, shall also stand disposed of.

APRIL 02, 2026	(AMARINDER SINGH GREWAL)
nitin	JUDGE
Whether Speaking	Yes/No
Whether Reportable	Yes/No