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

**CR-3711-2026 (O & M)
Date of Decision: 22.05.2026**

Jagjiwan Singh

.....Appellant

Versus

Gurvinder Singh Gidar and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Jagnahar Singh, Advocate,
for the appellant.

Mr. Saurav Dogra, Advocate,
for respondent No.1.

PARMOD GOYAL, J. (Oral)

Present civil revision under Article 227 of the Constitution of India has been preferred by petitioner-defendant No.4 for setting aside impugned order dated 20.04.2026 passed by learned Additional Civil Judge (Senior Division), SAS Nagar, Mohali whereby application preferred by respondent-plaintiff under Section 151 CPC, 1908 for recalling order dated 07.04.2026 (Annexure P-5) vide which permission was granted to respondent No.1-plaintiff to summon witness from the record room for production of judicial file pertaining to case bearing No.CHI/54/2020 titled as “State Vs. Sulakhan & Ors.” decided on 10.12.2025 by the Court of Judicial Magistrate, 1st Class, SAS Nagar, Mohali was dismissed. Petitioner-defendant has also challenged order dated 07.04.2026.

2. The sole ground taken by learned counsel for petitioner-defendant No.4 is that no rebuttal evidence could have been allowed by learned Court below by order dated 07.04.2026 and, therefore, the request of respondent



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No.1-plaintiff to lead rebuttal evidence by summoning record ought to have been dismissed by learned Court of first instance.

3. Respondent No.1-plaintiff in present case has challenge General Power of Attorney (in short 'GPA') dated 18.02.2015 allegedly executed in England by respondent No.1-plaintiff and his wife whereas the case of plaintiff is that his wife, had died in 2002 and the General Power of Attorney dated 18.02.2015 is a forged and fabricated document. As per respondent No.1-plaintiff, an FIR No.47 dated 13.02.2020 under Sections 419, 465, 467, 468, 420 and 120-B IPC, 1862 was duly lodged at Police Station Sohana, SAS Nagar, Mohali against petitioner-defendant No.4. Admittedly, in said FIR, respondents-defendant Nos.1, 2 and 3 along with others were tried, and detailed verification of passport records as mentioned in GPA was done and duly placed at the time of trial. It was asserted that passport numbers which find mention in disputed GPA dated 18.02.2015 has been duly verified and placed before Criminal Court, therefore necessary for decision of present case.

4. On the other hand, learned counsel for petitioner-defendant No.4 submitted that respondent No.1-plaintiff always knew that he has to prove the GPA to be forged and fabricated and, therefore, merely by tendering judgment of acquittal dated 10.12.2025 as Ex.DW6/C in defence evidence, no right in favour of the respondent No.1-plaintiff would accrue to lead the rebuttal.

5. On consideration, I find that in present case, no right of rebuttal would accrue to respondent No.1-plaintiff as onus to prove that GPA was

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false and fabricated was upon respondent No.1-plaintiff and, therefore, no evidence by way of rebuttal can be led to the evidence led against the evidence of defendants. Rebuttal evidence is permissible only regarding those issue of which onus is upon defendant(s) and to discharge said onus evidence is lead by defendant. However, where defendant only leads evidence in reply to evidence of plaintiff led in affirmative to prove issue of which onus is on plaintiff then no rebuttal is permissible. Though, I am of the view that no rebuttal is permissible, however, in view of peculiar facts and circumstances of the present case, right of respondent No.1-plaintiff to seek additional evidence or right to examine the witness of its own witness by Court shall still subsist and respondent-plaintiff would be free to approach learned Court below to seek additional evidence or invoke jurisdiction of the Court to summon records of the case as its own witness in order to show that GPA was a forged or invalid document in view of specific nature of allegation that executant of GPA had died in 2002.

6. It is, however, made clear that observation made in present case shall not come in way of any parties as it is a prima facie observation only meant for disposal of present revision petition. Petitioner-defendant No.4 shall have all rights to take all the legal pleas available to him against the case of respondent No.1-plaintiff and in case additional evidence or witness is summoned by Court on its own, then in that case, defendants shall have right to rebut that evidence by leading evidence in his defence.

7. Accordingly, present revision petition is allowed in above terms. Subsequent proceedings in pursuance of order dated 07.04.2026 would not



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have effect on the rights of any of the parties in view of above orders.
Respondent-plaintiff shall be free to approach learned Court of First Instance to seek additional evidence in accordance with law.

8. Pending application(s), if any, also stands disposed of.

22.05.2026
shivani

(PARMOD GOYAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No