



129

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2072-2025

Date of decision: 03.04.2025

Harish Kumar

...Petitioner

Versus

Uttam

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Amrita Nagpal, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 05.03.2025 (Annexure P-5) whereby the rebuttal evidence of the petitioner was closed and order dated 25.03.2025 (Annexure P-8) whereby an application of the petitioner for producing additional evidence had been dismissed.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner would limit his prayer for setting aside the order dated 05.03.2025 (Annexure P-5) whereby rebuttal evidence of the petitioner was closed. It is submitted that the first date for submission of rebuttal evidence was 17.02.2025 and the impugned order closing rebuttal evidence was passed on 05.03.2025. It is submitted that onus of issue Nos.2 to 6 was on the defendants and the petitioner wishes to produce rebuttal evidence with respect to the said issues of which onus was on the defendants. It is further stated that the delay, if any, would primarily prejudice the petitioner as it is the petitioner who is the plaintiff and has filed a suit for possession. It is further submitted that the case is now fixed for 05.04.2025. It is prayed that one effective opportunity be granted to the petitioner to lead rebuttal evidence and for the inconvenience caused to the



defendant/respondent, the petitioner is ready to pay reasonable costs.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one effective opportunity should be granted to the petitioner to lead rebuttal evidence with respect to the issues of which the onus was on the defendants and accordingly, the present revision petition is partly allowed and the order dated 05.03.2025 is set aside and the petitioner is granted one last effective opportunity to lead his entire rebuttal evidence. The same would be subject to the petitioner depositing an amount of Rs.10,000/- with the trial Court on or before 05.04.2025 which amount would be disbursed by the trial Court to the respondent. The trial Court would give a date on 05.04.2025 to the petitioner to produce his entire rebuttal evidence and the rebuttal evidence so produced on the date given by the trial Court would be the only evidence which would be permitted to be led in rebuttal evidence. Needless to say that in case no witness in rebuttal is produced on the date given by the trial Court then no further opportunity would be given to the petitioner to lead rebuttal evidence.

4. It is made clear in case the abovesaid amount is not deposited by the petitioner within the aforesaid period, then the present revision petition would be deemed to have been dismissed.

5. In the present case, no notice is being issued to the respondent as issuance of notice to him would further delay the proceedings and would also entail the expenses for respondent to defend the present revision petition. However, it would be open to respondent to move an application for recalling of the present order in case any of the statement made before this Court is found to be false/incorrect.

03.04.2025

Pawan

(VIKAS BAHL)
JUDGE

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