

Subhash Chand vs. Sukhwinder Kaur

RSA No. 163 of 2026

03.07.2026 Present: Mr. Kulwant Singh Gill, Advocate, for the appellant.

Heard.

Admit on the following substantial question of law:-

“Whether the courts below committed a substantial error in procedure, resulting in severe prejudice and a mistrial, by permitting the plaintiff to lead evidence in rebuttal (specially examining PW-4 and PW-6) on Issue No.1, the onus of which rested exclusively on the plaintiff, in direct contravention of Order XVIII Rule 3 of the CPC and the binding jurisdictional precedent of this Hon’ble Court in Neelam Rai vs. Surjit Kumar (AIR 2011 HP 39)?”

Issue post admission notice for the service of the respondent, returnable within four weeks, on steps being taken within three days.

Send for record.

CMP No. 15834 of 2026

Learned counsel for the appellant seeks permission of this Court to withdraw the instant application with liberty to file afresh, if need so arises.

Permission granted. Accordingly, the instant application is dismissed as withdrawn with liberty as aforesaid.

(Romesh Verma)
Judge

3rd July, 2026
(kck)