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

CR No.2989 of 2015

Date of decision: May 04, 2015

Shiv Charan

.....Petitioner

Versus

Kiran Bala alias Kamhan and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vivek Goyal, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 07.03.2015 (Annexure P-1), whereby application moved by the petitioner for examining the Notary Public and Stamp Vendor as witnesses to prove affidavit Exhibit P/DW 3A, was dismissed.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Petitioner has filed suit for declaration and permanent injunction. After the close of defendant evidence, petitioner moved an application for summoning the Notary Public and Stamp Vendor as witnesses to prove the affidavit allegedly executed by defendant DW-3-Ishwar Chand. Trial Court had framed issue No.1 as to whether the plaintiff was entitled to the relief on declaration as prayed for. Onus to prove the said issue was on the plaintiff-petitioner. The learned trial Court rightly held that the petitioner could not

be allowed to lead evidence in rebuttal qua an issue, which was to be proved by the plaintiff-petitioner while leading his evidence in the affirmative.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

May 04, 2015
m.singh