

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

Civil Revision No.3784 of 2015 (O&M)
Date of decision: 28.05.2015

Gurmeet Kaur

... Petitioner

versus

Balwinder Kaur and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

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

K.Kannan, J. (Oral)

1. The plaintiff, who wanted to bring some affirmative evidence about the location of the flour mill of the defendant, was alleged to have been fended off by the court below that the plaintiff's case would be considered, if need be, at the time of rebuttal. The defendant has given his evidence claiming the property as allotted to her mother-in-law and that the flour mill is situate in the said property. The petitioner has sought for rebuttal evidence and purports to be taking steps for demarcation of the property to identify where the property is actually situate. The demarcation which would involve the appointment of a Commissioner and measurements is a process that must have been initiated soon after the pleadings were given and cannot wait till the stage when the plaintiff and the defendants have been respectively examined and at

the stage of rebuttal.

2. If the court below did not think it was efficacious to allow for such a process to be initiated at the belated stage, I will be loathe to make any intervention therefor that can scuttle the smooth flow of trial.

3. The counsel says that the court has observed that the rebuttal evidence still allow for the plaintiff to only bring affirmative evidence of his own possession and it cannot be permitted in rebuttal. I see this to be an additional ground for dismissal apart from what I have observed above.

4. The order is maintained and the revision petition is dismissed.

(K.KANNAN)
JUDGE

28.05.2015
sanjeev