

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 4097 of 2015 (O&M)
Date of decision: 3.7.2015

Hazari

.. Petitioner

v.

Har Pal and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sanjay Vij, Advocate for the petitioner.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 18.5.2015, passed by the learned court below, whereby the application filed by respondents No. 1 to 6-plaintiffs for permitting them to lead expert evidence in rebuttal showing the age of construction, was allowed.

In the case in hand, the plaintiffs filed the suit claiming possession of the property on the plea that after the defendants took possession, they raised construction just before filing of the suit. It was in response that the defendants led expert evidence to prove that the age of construction was about 40 years. The onus to prove that fact was on the defendants as it was the plea raised by them in the written statement. To prove the same, they had produced expert witness, who opined on the age of construction. It was at this stage that the application filed by the plaintiffs for seeking permission to lead evidence in rebuttal was allowed. There is no error in the order passed by the learned court below.

Dismissed.

(Rajesh Bindal)
Judge

3.7.2015
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