

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1780 of 2016

Date of Decision.16.03.2016

Tara Chand

.....Petitioner

Vs.

Bahadur adopted son of Jai Ram

.....Respondent

Present: Mr. Vipin Yadav, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

-.-

K. KANNAN J. (ORAL)

1. An application for appointment of commissioner was sought to be pressed by the plaintiff after his side was closed. This was a case where he has sought for injunction restraining the defendant from in any manner interfering with the right of user of a wall which he claims to be a partition wall. The contention in defence was that the wall is made of mud and it cannot take burden of any rafter or any weight which the plaintiff wants to keep on the wall. The nature of suit is such that the plaintiff wanted a restraint, burden of which was only on him from exercising a right over the wall and if he wanted any expert evidence, it should have been done before his side was closed. After the side was closed and when the defendant has also closed his evidence, it cannot be brought at the stage of rebuttal. In any event as a matter of prudence if the application had not been filed within time and the Court decided not to extend the discretionary order in his favour, I will find no

reason for interference.

2. The revision petition is dismissed.

(K. KANNAN)
JUDGE

March 16, 2016
Pankaj*