

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

CR No.3760 of 2016
Date of decision : 09.08.2016

Hardeep Singh

...Petitioner

Versus

Preetjot Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Ashish Pannu, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiff in a suit for possession has moved an application for appointment of Local Commissioner, which has been dismissed.

Mr. Ashish Pannu, learned counsel appearing on behalf of petitioner-plaintiff submits that certain facts surfaced during cross-examination of the defendant and as such application for appointment of Local Commissioner was filed. This aspect has gone unnoticed by the trial Court.

I have heard learned counsel for the petitioner-plaintiff and appraised the paper book.

In a suit for possession, the onus is upon the plaintiff to lead evidence in affirmative. There is no issue of rebuttal yet under the garb of the provision of Order 26 Rule 9 CPC, permission has been sought to lead evidence as it tantamounts to leading of rebuttal evidence which could not be permitted. Plaintiff has failed to lead evidence in affirmative in suit for possession, thus, I do not find any illegality and perversity.

No ground for interference is made out.

Dismissed.

09.08.2016

pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes

Whether reportable:-

Yes/No