

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.7536 of 2017 (O&M)

Date of Decision: 02.11.2017

Amandeep Singh

... Petitioner

Versus

Harbans Kaur

... Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Arshdeep Singh Sivia, Advocate,
for the petitioner.

ANIL KSHETARPAL, J. (ORAL).

The plaintiff/petitioner is in revision petition against the order passed by the learned trial Court dismissing the application for permitting the plaintiff to lead evidence in rebuttal so as to examine the Fingerprint and Handwriting expert.

Learned trial Court has noticed that there are 4 issues framed, out of which onus to prove Issue No.3 is on the plaintiff. Issue No.4 is only formal in nature.

It is well settled by the two Division Benches of this Court in *2007(1) PLR 552 Surjit Singh and others Vs. Jagtar Singh and others* and *2007(1) RCR (Civil) 794 Jagdev Singh and others Vs. Darshan Singh and others* that the plaintiff is entitled to lead evidence in rebuttal only on the issue onus whereof is on the defendant. In the present case, the evidence sought to be led does not fall within the scope of rebuttal evidence. At the cost of repetition, onus to prove Issue No.4 was only on the defendant. With

regard to the remaining 3 issues, onus was on the plaintiff. Therefore, it was for the plaintiff to lead evidence thereon.

In view of the above, this Court does not find any good ground to interfere with the order passed by the learned trial Court.

The revision petition is dismissed.

02.11.2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No