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

CR No. 3151 of 2018

Date of Decision: 11.03.2019

Om Parkash

-Petitioner

Vs

Rajinder and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Robin Dutt, Advocate,
for the petitioner.
Mr. Sandeep Saini, Advocate,
for the respondents.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has challenged the order dated 17.04.2018 passed by Civil Judge (Junior Division), Bilaspur, District Yamuna Nagar vide which application for leading evidence in rebuttal was dismissed.

In a suit for permanent injunction, plaintiff seeks to lead evidence in the context of his adoption and proceedings before the revenue Court.

Plaintiff-petitioner has not proved the relevancy as to how any finding regarding his alleged adoption given in a suit with a third party would be relevant in the present litigation with the defendants.

Similarly, filing of appeal against the order passed by

Assistant Collector IInd Grade, Bilaspur in respect of change of Khasra Girdawari would be a matter of fact and the same is not relevant for the present controversy.

It is a settled principle of law that the plaintiff is not entitled to lead evidence in rebuttal in respect of an issue, the onus of which was on the plaintiff himself.

As per the issues framed on 19.04.2016, issue No.1 was framed in the context of entitlement for grant of decree for permanent injunction restraining the defendants from interfering in the possession of suit property.

No evidence was led by the plaintiff in his affirmative evidence.

On the strength of **Surjit Singh and others vs. Jagtar Singh and others, 2007(1) RCR (Civil) P&H 537 (DB); Jagdev Singh and others vs. Darshan Singh and others, 2007(1) RCR (Civil) 794 (DB) and Avtar Singh vs. Baldev Singh, 2015(1) PLR 230**, no such permission can be granted in favour of the plaintiff for leading evidence in rebuttal.

This revision petition is accordingly, dismissed.

11.03.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |