

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7263 of 2018(O&M)
Date of Decision: 01.04.2019

Nand Kishore

.....Petitioner

Versus

Suresh Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Sandeep Goyat, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

[1]. Perusal of the written statement would show that family settlement has been denied. While appearing as DW 1, the factum of family settlement was again denied by the defendant.

[2]. The prayer for leading expert evidence at the stage of rebuttal cannot be entertained in respect of an issue the onus of which was on the plaintiff himself. Reference can be made to

Surjit Singh and others Vs. Jagtar Singh and others, 2007

(1) RCR (Civil) 537 DB, Jagdev Singh and others Vs.

Darshan Singh and others, 2007(1) RCR (Civil) 794 and

Avtar Singh Vs. Baldev Singh, 2015(1) PLR 230.

[3]. In view of aforesaid legal position, no indulgence is warranted in the impugned order passed by the trial Court. This revision petition is accordingly dismissed.

01.04.2019

(RAJ MOHAN SINGH)

Prince

JUDGE

Whether reasoned/speaking

Whether reportable

Yes/No

Yes/No