

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

**CR No.683 of 2019(O&M)  
Date of Decision: 04.04.2019**

**Rajinder Kumar Bansal and others       .....Petitioners**

**Versus**

**Sat Pal Bansal and others                       .....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present:Mr. S.C. Arora, Advocate  
for the petitioners.

Mr. Karan Garg, Advocate  
for the respondents.

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**RAJ MOHAN SINGH, J.**

[1].       Petitioners have preferred this revision petition against the order dated 17.01.2019 passed by Additional Civil Judge (Senior Division), Sri Muktsar Sahib vide which prayer for examining expert witness in rebuttal evidence was declined.

[2].       Learned counsel for the petitioners contended that there was an original firm M/s Bhag Mal Satpal. From the nucleus of said firm, five different sole proprietorship firms having 21 different properties were established. Plaintiffs

claimed half share each in all the properties on the basis of jointness of the firms and the properties.

[3]. In the written statement filed by defendants No.1, 5 to 9, it was submitted that at one point of time, Lala Bhag Mal was running the business of the commission agency, but the same was flourished with the hard work of defendant No.1. Purchased of property with the help of Lala Bhag Mal was denied. Lala Bhag Mal was one of the partners in the firm M/s Bhag Mal Satpal, but the firm was dissolved on 01.04.1992. Defendant No.1 became sole proprietor. The original dissolution deed was taken by plaintiff No.1 which was lying in shop No.58 and defendant No.1 was having photocopy of the same. Firm was dissolved and the accounts were settled with some arrangement regarding the deposits lying with the aforesaid firm. Defendants further stated that plaintiff No.1 was paid the entire amount with interest from time to time through cheques and entries were maintained by defendant No.1 as sole proprietor. After dissolution of firm M/s Bhag Mal Satpal on 01.04.1992, plaintiff No.1 was left with no interest in the firm. Lala Bhag Mal had died in the year 1984. Defendants further denied para No.2 of the plaint. Marriages of defendants No.3 and 4 were solemnized by Lala Bhag Mal during his lifetime and rest of the family members were brought up by defendant No.1. Defendants No.2

to 4 had no share in the property, therefore, question of relinquishment of their shares did not arise. Plaintiff No.1 and defendant No.1 were heads of their own families. After dissolution of firm, plaintiff No.1 had no concern with the business of M/s Bhag Mal Satpal and there was no occasion for the concern to establish five different sole proprietorship firms having 21 different properties out of the income of the said firm.

[4]. In pith and substance, the case of the plaintiffs was denied altogether in para Nos.2, 4 and 5 of the written statement.

[5]. In view of specific stand taken in the written statement, it was obligatory on the part of the plaintiffs to lead evidence in affirmative. Plaintiffs want to lead expert evidence in rebuttal in respect of an issue, the onus of which was on the plaintiffs themselves.

[6]. In view of ratio laid down in **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,** indulgence to allow the plaintiffs to lead expert evidence in rebuttal in respect of an issue, the onus of which was on the plaintiffs themselves cannot be granted. Reliance placed by the trial Court on the aforesaid precedents,

in my considered opinion, cannot be faulted with. This revision  
petition is found to be totally devoid of merits and is accordingly  
dismissed.

04.04.2019  
*Prince*

(RAJ MOHAN SINGH)  
JUDGE

Whether reasoned/speaking  
Whether reportable

Yes/No  
Yes/No