

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 2312 of 2019 (O&M)

Date of decision : 5.4.2019

...

Vishal Sharma

.....Petitioner

vs.

Santosh Rani and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. G.S. Sirphikhi, Advocate for the petitioner.

...

H. S. Madaan, J.

This revision petition is directed against order dated 8.3.2019 passed by Civil Judge (Junior Division), Batala, in case No. 1211 of 2014, vide which the application filed by the petitioner, defendant No.2 for striking off the portion of the statement of PW-Santosh Rani in examination-in-chief, in rebuttal has been dismissed.

I have gone through the impugned order and I find that the same is well reasoned and does not suffer from any illegality or infirmity, much less apparent on the face of it.

The trial Court had framed issues in that case on 4.8.2015.

Copy of issues so framed has been placed on the file. The onus of

proving several issues has been placed on the defendant. The plaintiff has every right to lead the evidence in rebuttal with regard to issues, the onus of which has been placed upon the defendants, which for ready reference are reproduced as under :-

1. Whether plaintiff is entitled for declaration as prayed for ?

OPP

2. Whether plaintiff is entitled for joint possession as prayed for ? OPP

3. Whether suit of the plaintiff is not maintainable? OPD

4. Whether suit is not within limitation? OPD

5. Whether suit is bad for non joinder of necessary parties? OPD

6. Whether plaintiff has concealed material facts from the court? OPD

6 (a) whether Smt. Attri Devi executed Will dated 22.7.88 in favour of Subash Chander, as alleged? OPD

6(b) Whether plaintiff is stopped by her act and conduct from filing the present suit? OPD

6(c) Whether Subash Chander and Avinash Chander ever gifted the house property in favour of plaintiff as alleged? OPD

6(d) Whether the defendants No. 24 to 28 are bonafide purchasers for value as alleged? OPD

The petitioner defendant is feeling aggrieved unnecessarily.

Needless to say the trial Court would take into consideration the

evidence on file, which is relevant and legally admissible. The petitioner can point out to the trial Court if any piece of evidence adduced by the plaintiff is beyond pleadings or otherwise legally inadmissible and the trial Court may then take proper decision in the matter. However, there is no ground to interfere in the impugned order.

Learned counsel for the petitioner has referred to authorities *Nazar Singh vs. Kulbir Kaur and others 2019 (1) RCR (Civil) 374, Hanumant Singh vs. Babu Singh and others 2010 (44) RCR (Civil) 777, Surjit Singh and others vs. Jagtar Singh and others Law Finder Doc Id # 124851* and *Avtar Singh and another vs. Baldev Singh and others 2015 (5) RCR (Civil) 625*, but these are not applicable to the facts of the present case.

The revision petition being without any merit stands dismissed.

5.4.2019
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No