

107
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/4/2019 12:38
I attest to the accuracy and
authenticity of this document

CR-2640-2019 (O/M)
Date of decision : 29.4.2019

Bal Kishan and another Petitioner (s)

Versus

Santosh Rani and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.D. Sharma, Advocate,
for petitioners.

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KULDIP SINGH, J. (ORAL)

Petitioner is aggrieved by orders dated 2.4.2019 and 12.3.2019 (Annexure-P-10 and Annexure-P-8 respectively), vide which plaintiffs-respondents No. 1 to 4 were allowed to lead evidence in rebuttal on issues No. 4, 6 and 7 and plaintiffs-respondents were allowed to examine Tek Ram, and handwriting expert.

After going through issues, it comes out that there is issue No. 7 i.e. 'Whether the suit of plaintiffs is bad for partial partition'. Issues No. 4 and 6 are legal in nature. Therefore, right of rebuttal arises on issue No. 7. The plea of learned counsel for petitioners is that Tak Ram, and handwriting expert, should have been examined by plaintiffs in affirmative. The issue regarding maintainability of suit is legal in nature. It is further contended that Tek Ram was summoned in affirmative evidence, but was given up. Therefore, he cannot be again summoned in rebuttal. The rebuttal is to be allowed on issues. Where the burden of proving an issue is on defendant, the trial Court could allow rebuttal evidence. There is no ground to interfere in impugned orders. Thus, revision is dismissed.

(KULDIP SINGH)
JUDGE

29.4.2019
sjks

Whether speaking order	:	Yes	/	No
Whether reportable	:	Yes	/	No