

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

119

CR-653-2022

Date of Order: 25.02.2022

RADHEY SHAM

..Petitioner

Versus

RAM DAVAR AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Mehta, Advocate
and Naresh Gopal Sharma, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner before this Court is a plaintiff in a suit for grant of mandatory injunction directing the defendants to hand over physical possession of the property and for payment of mesne profits for use and occupation of the property.

The request of the petitioner for permission to lead rebuttal evidence in order to examine the concerned Moharrir Head Constable(MHC) through SHO along with original complete record and a hand-writing expert in order to ascertain and examine the thumb impression on the documents has been dismissed. The Court has noticed that the rebuttal evidence can only be permitted with respect to an issue, onus of which lies upon the defendant.

The aforesaid opinion expressed by the Civil Judge, Junior Division, Chandigarh, is in consonance with the two different Division Bench judgment of this Court in **“Surjit Singh and others Vs. Jagtar Singh and others, 2007(1) RCR (Civil) 537”** and **“Jagdev Singh and others Vs. Darshan Singh and others, 2007(1) RCR (Civil) 794”**.

The learned counsel representing the petitioner fails to draw the

attention of the Court to any error.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

February 25th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No