



131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-807-2025 (O&M)

Date of decision : 10.02.2025

Chotto Devi and others

...Petitioners

Vs.

Satbir and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shailender Singh Gill, Advocate
for the petitioner.

None for the respondents.

ANIL KSHETARPAL, J. (Oral)

1. The plaintiff assails the correctness of trial Court's interlocutory order passed on 21.01.2025 directing for taking off the plaintiff's affidavit from the Courts record, which was sought to be produced in rebuttal evidence.
2. The scope of rebuttal evidence has been explained by two different Division Benches 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. It has been laid down that the plaintiff can be permitted to lead rebuttal evidence only with respect to issue the onus whereof was on the defendant. In this case, the trial Court initially framed the following two issues:-

"1. Whether plaintiffs are entitled to a decree for possession as prayed for?OPP

2. Relief."

3. Subsequently, the following additional issue was framed:-

“1A. Whether defendant No.1 has become the owner of property in dispute detailed and described in para no. 1 and 2 of the plaint by way of adverse possession? OPD”
4. The rebuttal evidence of the plaintiff can only be with respect to issue No. 1A. The plaintiff’s affidavit does not fall in the aforesaid category.
5. Hence, no ground to interfere is made out.
6. The petition is dismissed.
7. All the pending miscellaneous applications, if any, are also disposed of.

10.02.2025
neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No