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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 1349/2019**

**SURENDER**

Through: Mr. S.S. Panwar, Advocate with  
Petitioner in person (M:  
9312234919).

..... Petitioner

versus

**SHRI RAM KISHAN (DECEASED THR LRS)  
& ORS**

Through: None.

..... Respondents

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

% **13.09.2019**

**CM APPL. 40907/2019 (exemption)**

Exemption allowed, subject to all just exceptions. Application is disposed of.

**CM APPL. 40908/2019 (exemption)**

Exemption allowed, subject to all just exceptions. Application is disposed of.

**CM(M) 1349/2019 and CM APPL. 40909/2019**

The grievance of the Petitioner/Plaintiff (*hereinafter 'Plaintiff'*) in the present case is that he has not been allowed to lead rebuttal evidence on Issue Nos. 4 and 5, onus of which was on Defendant No. 1/Respondent No.1.

The said issues read as under: -

*“4. Whether the defendant no. 1 is the owner |and in physical possession of the suit property measuring 15'x17.5' within the Lal Dora Abadai of Village*



*Mundka, Delhi having inherited from his forefathers?  
OPD1*

*5. Whether the Plaintiff has encroached upon public  
land and constructed multi-storeyed building  
thereupon, if so, its effect? OPD 1 ”*

The Id. Trial Court has rejected the Plaintiff's request for leading rebuttal evidence by holding that the decision on Issue Nos. 4 and 5 is a natural corollary of Issue No. 7, the onus of which is on the Plaintiff.

Notice be issued to the contesting Respondents before the Id. Trial Court. In addition, let notice be issued to the Id. counsel appearing for Respondent No. 1(b) before the Id. Trial Court.

The Id. Trial Court shall adjourn the matter till a date beyond the date fixed by this Court.

List on 24<sup>th</sup> January, 2020.

*Dasti.*

**PRATHIBA M. SINGH, J.**

**SEPTEMBER 13, 2019  
MR**