

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.1470 of 2015

Date of decision: 20.08.2015

Deepak and others

.....Petitioners

versus

Hawa Singh

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Harish Bhardwaj, Advocate for the petitioner
Mr.B.S.Rathee, Advocate for the respondent

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision petition is the order dated 12.2.2015, passed by the learned Additional Civil Judge, Senior Division, Gohana, vide which, the application of the plaintiff for granting the permission to lead additional evidence for taking specimen signatures of the defendant and for comparison of the same from handwriting and fingerprints expert was dismissed.

Suffice to say that the plaintiff had filed a suit for specific performance with consequential relief of permanent injunction in which the agreement set up by the plaintiff has been denied by the defendant in the written statement. Plaintiff led evidence in affirmative. Thereafter, defendant also led evidence and in his statement denied agreement in question. Now when the case is at

the stage of rebuttal evidence and arguments, the plaintiff has moved the present application.

Learned counsel for the petitioner has informed this Court that the agreement has already been exhibited in this case. Defendant has not examined any expert to prove that his signatures on the agreement are forged. Plaintiff has already examined the attesting witnesses to prove the agreement. Therefore, any further evidence to prove the agreement was to be led in affirmative. When the case is mature, the plaintiff can not be allowed to re-open the same by permitting him to obtain the specimen signatures of the defendant and then get it examined from expert in additional evidence. It was for the plaintiff to decide as to which evidence he wants to lead in affirmative while leading his evidence. Since the agreement has been duly exhibited and proved and there is no need of expert evidence. So, there is no need to allow additional evidence sought for by the plaintiff -petitioner.

Accordingly, the revision is found to be without any merits and is dismissed.

20.08.2015
gk

(Kuldip Singh)
Judge