

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2233 of 2015

Date of Decision.31.03.2015

Jitender

.....Petitioner

Versus

M/s Vikram Electric Equipment (Pvt.) Ltd.

.....Respondent

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The defendant in a suit that contested an action for recovery of money paid by the plaintiff's predecessor to the defendant receipt of which is an admitted fact comes up with the defence that the assignment in favour of the plaintiff is not true and it is a fabrication. After the conclusion of the evidence and at the stage of arguments, the defendant wanted to produce the handwriting expert evidence and a report alleged to have been given in some other proceedings with reference to some assignment in favour of the plaintiff. If the defendant could not produce this document at an earlier point of time and he will grow wise only by engaging a new counsel, I will not allow the trial to be stalled at such a stage for examining an expert or production of report. If the plaintiff must succeed, he can do so only by proof of the assignment in his favour and entitlement for the amount as a person who is successor-in-interest to the original vendee. The plaintiff will succeed or fall by his own

ability to prove the document which he has relied and the defendant need not take upon himself burden of trying to prove that an assignment is forgery. If that was the defence, the defendant must have taken appropriate steps to have the expert examined even before the side was closed.

2. I do not think any serious prejudice could be caused particularly in view of the fact that the burden of proof is not on the defendant and it was only on the plaintiff and the failure to examine the handwriting expert or to secure a report will not be in any way material to prejudice the case of the defendant.

3. With these observations, the civil revision is dismissed.

(K. KANNAN)
JUDGE

March 31, 2015
Pankaj*