

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

[241]

Civil Revision No.2960 of 2014
Date of Decision: 17.11.2015.

Balwant Singh

...Petitioner

Versus

Badan Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Ms. Renu Arya, Advocate for
Mr. Shalender Mohan, Advocate,
for the petitioner.

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 order dated 11.04.2014, passed by learned Civil Judge, Junior Division, Hansi, whereby it was held that plaintiff has no right to examine the fingerprint and handwriting expert in his rebuttal evidence. But at the same time, plaintiff has right to produce the evidence, if any, in rebuttal qua the issues, burden of proving which is on the defendant. The application of the defendant in this regard was allowed.

I have heard learned counsel for the petitioner and have also carefully gone through the file.

It comes out that plaintiff wanted to examine the

fingerprint and handwriting expert in rebuttal. The Lower Court has taken the view that rebuttal evidence can only be led on the issues, the burden of proving of which is on the defendant. Therefore, the plaintiff was not permitted to lead rebuttal evidence to examine the fingerprint and handwriting expert.

It also comes out that evidence of the plaintiff was closed by Court vide order dated 10.10.2013. Therefore, allowing the said evidence would have amounted to back door entry. In these circumstances, there is no illegality or infirmity in the impugned order.

The present revision stands dismissed.

November 17, 2015

Ankur

**(KULDIP SINGH)
JUDGE**