

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 3255 of 2014 (O/M)
Date of decision : 4.9.2015

Jarnail Singh

..... Revisionist

Versus

Upesh Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Zorawar Singh Chauhan, Advocate,
for the revisionist.

Ms. Charu Sharma, Advocate, for,
Mr. Raman Sharma, Advocate,
for respondents No. 1 and 2.

None for respondent No. 3.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Respondent No. 3 served through his brother, but has not come present. Proceeded against ex-parte.

Impugned in the present revision is the order dated 29.3.2014 (Annexure-P-1), passed by the learned Additional Civil Judge (Senior Division), Phillaur, vide which the application for additional evidence to produce and prove the original documents by calling the witness Karnail Singh, Officer from the Indian Bank,

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Jalandhar, and also producing handwriting expert Shri Arvind Sood or Shri Mani Jain to prove the signatures of Amritpal Singh (deceased) on the documents, vide which he withdrew the amount by using the same, was dismissed.

In nutshell, the controversy is that the plaintiff had filed a suit for recovery of Rs. 1,02,50,000/- alongwith interest @ 1.50% per month from the date of filing the suit till the realization before the lower Court. The amount is stated to be the liability towards Amritpal Singh (since deceased). The defendants are his legal heirs. In the written statement, the defendants denied the averments made in the plaint. After framing of the issues, the plaintiff led the evidence in affirmative, reserving his right to lead rebuttal evidence. Thereafter, the defendants led the evidence. Thereafter, the plaintiff wanted to lead the evidence in rebuttal. The affidavit of one witness was tendered in rebuttal evidence, but on the objection raised by the opposite counsel, the said rebuttal was disallowed, vide order dated 16.1.2014. The said order dated 16.1.2014 has not been challenged and has become final. Thereafter, the present applicant/revisionist was pressing for leading additional evidence in rebuttal.

Learned counsel for the revisionist has contended that during their evidence, the lower Court had asked the defendants to furnish the signatures of Amritpal Singh (deceased), but these were not furnished. If it is so, the appropriate inference is to be drawn

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against the defendants. In this case, there is no issue, on which rebuttal could be led. The rebuttal evidence has already been disallowed. The plaintiff has already proved the vouchers showing the payment. The evidence of expert and production of original documents was to be led in affirmative evidence. Therefore, no such evidence could be allowed in rebuttal or by way of additional evidence, which is nothing, but backdoor entry.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

4.9.2015
sjks