

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 4317 of 2013 (O&M)
Date of decision: March 19, 2015

Gurjant Singh

...Petitioner

Versus

Manjit Singh

...Respondent

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?**

Present: Mr. Veer Devender Singh, Advocate, for
Mr. KS Chahal, Advocate,
for the petitioner.

Mr. Vikas Lochab, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. The plaintiff had filed an application to re-open the side when it was closed was allowed and the plaintiff was allowed to tender his witnesses. The defendant was aggrieved and moved an application to recall that order. He also sought for return of the diet money deposited by the plaintiff. The court has dismissed the petition. Aggrieved defendant is party before this court.

2. According to the counsel for the petitioner, the petitioner could not have been permitted to examine a handwriting expert in rebuttal when the initial burden was on him. Though the law stated by the counsel is correct, I do not think any serious prejudice will be caused by allowing for such an exercise, which I shall treat as additional evidence permitted to be given by a discretionary order. The court has observed that onus of proof of

forgery was on the defendant. It is erroneous. If the defence is that the promissory note is forged, the onus of proof is still on the plaintiff. The inartistic framing of issue has resulted in the curious understanding of burden of proof by the parties. I recast the issue as burden resulting only on the plaintiff to prove the genuineness of the instrument and allow the order passed by the court below on different reason.

3. There is , therefore, no ground for intervention. The revision petition is dismissed.

March 19, 2015
prem

(K.KANNAN)
JUDGE