

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5088 of 2015 (O/M)
Date of decision : 12.8.2015

Rajesh Kumar

..... Revisionist

Versus

Omkar

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajinder Singh Malik, Advocate, for the revisionist.

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)

Impugned in the present revision is the order dated 23.7.2015 (Annexure-P-1), passed by the learned Civil Judge (Junior Division), Sonapat, vide which the application for additional evidence and rebuttal evidence, so as to examine the thumb impression expert, has been dismissed.

In nutshell, the controversy involved in the present case is that a suit for possession by way of specific performance has been filed by the present revisionist on the basis of agreement of sale dated 12.10.2011. To prove the said agreement, the positive

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evidence was led by the plaintiff/revisionist. The defendant/respondent has denied the agreement in the written statement. When the defendant/respondent appeared in the witness box, during cross-examination, he denied the thumb impression over the agreement. Now, to prove that thumb impression, the plaintiff/revisionist wants to lead expert evidence.

I am of the view that to prove the agreement, the plaintiff/revisionist was required to lead the evidence, which he has led. The defendant/respondent merely supported his stand taken in the written statement. Therefore, the said additional evidence was within the knowledge of the plaintiff/revisionist when he was leading the positive evidence. There is no issue of rebuttal, on which the rebuttal can be allowed. Therefore, there is no illegality or infirmity in the impugned order.

Consequently, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

12.8.2015
sjks