

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

Civil Revision No.5574 of 2015 (O&M)

Date of Decision: September 10, 2015

M/s Saraswati Trading Company

.... Petitioner

vs.

Balbir Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sourabh Goel, 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 the order dated 14.08.2015 (Annexure P-15) passed by learned Civil Judge (Jr. Divn.), Ambala, vide which in an application filed by the plaintiff-petitioner for permission to allow the handwriting expert to take photographs of the signatures of the defendant-respondent on the counter claim/written statement, power of attorney for the purpose of comparison with the signatures on voucher placed on record by the plaintiff-petitioner, was dismissed.

It comes out that it is a money suit. Earlier, the application filed by the plaintiff-petitioner for directing the defendant-respondent to furnish his signatures, was dismissed. The revision bearing CR No.4729 of 2015 filed against the said order before this Court was withdrawn on 29.07.2015 with liberty to avail appropriate remedy in accordance with law.

Now, second application has been filed for seeking the present relief. The issues reproduced in the grounds of revision show that the receipt, which is sought to be proved through the expert, was to be proved in affirmative evidence, which has already been led. Now, the expert is sought to be produced on the ground that the defendant has denied his signatures on the receipt in his cross-examination. Though, in the written statement, he has not denied it.

If it is so, any evidence contrary to the pleadings, then it is not be given any importance. Therefore, otherwise also, the examination of the expert is superfluous exercise. However, in the present case, otherwise also, no rebuttal evidence can be allowed to be led to prove the receipt. The evidence of both the parties is complete.

Hence, the present revision petition stands dismissed.

September 10, 2015
sarita

(KULDIP SINGH)
JUDGE