

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

**Civil Revision No.5780 of 2015 (O&M)
Date of Decision: September 04, 2015**

Pawan Jaglan

.... Petitioner

vs.

Smt. Panpoori and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Rakesh Gupta, 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 12.08.2015 (Annexure P-1) passed by learned Addl. Civil Judge (Sr. Divn.), Panipat, vide which the application of the present petitioner-plaintiff for additional evidence to examine the expert was dismissed.

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

It comes out that the plaintiff-petitioner had filed a suit for possession by way of specific performance of agreement to sell dated 23.09.2006. The agreement was denied by the defendants. The plaintiff-petitioner led his evidence and proved the agreement by producing witnesses. However, defendant and her daughter

appeared as witnesses during the evidence of the defendants. They denied their thumb impressions on the agreement in question. It is after this denial that the plaintiff-petitioner wants to examine the fingerprint expert.

I am of the view that it is a simple denial by the defendants. The plaintiff-petitioner has already proved the agreement in question by leading his evidence. The burden has now shifted upon the defendants to disprove that the agreement was not executed and the thumb impressions of the defendants do not exist on the same. They have simply denied it. No expert has been examined. It being so, the additional evidence sought to be led by the plaintiff-petitioner is not necessary at this stage.

Accordingly, the present revision petition stands dismissed.

However, a liberty is given to the plaintiff-petitioner that if the defendants examine any handwriting expert in their evidence to disprove their thumb impressions, the plaintiff-petitioner can move an application to examine their expert to controvert the evidence of the expert.

September 04, 2015
sarita

(KULDIP SINGH)
JUDGE