

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 5986 of 2013

Date of Decision: May 1, 2015

Mahesh Kumar

.....Petitioner

Vs.

Bansi Lal etc.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-.-

Present:- Mr. J.S. Hooda, Advocate for the petitioner.

Mr. Manjinder Singh, Advocate for
Mr. Pankaj Jain, Advocate for respondents No.1 and 2.

-.-

M.M.S. BEDI, J. (ORAL)

Petitioner is defendant No.1 before the trial Court in a suit for specific performance. His application for additional evidence, inter-alia praying for examination of hand-writing expert regarding his alleged signatures has been dismissed by the trial Court.

Vide order dated October 3, 2013, a Coordinate Bench of this Court while issuing notice had disallowed any additional evidence in context to the plea of alibi of the defendant- petitioner. The matter is pending since October 3, 2013. Passing of final judgment before the trial Court has been stayed.

After going through the facts and circumstances of this case, it appears that the controversy between the parties is regarding the execution of the agreement of sale dated April 10, 2007. The defendant had sought permission to examine hand-writing expert by moving an application which has been declined. The examination of hand-writing expert with some admitted signatures on the corresponding part of agreement of sale might facilitate the just decision of the controversy regarding the execution of the agreement of sale. It appears that the case is at the stage of rebuttal evidence. Examination of hand-writing expert will not, in any manner, prejudice the rights of the plaintiff- respondent as he will get an opportunity to impeach the credibility of the evidence produced by defendant No.1. Since the plaintiff has been harassed on account of unnecessary delay, he can be compensated with costs. The application for additional evidence is allowed partly subject to payment of cost of Rs.20000/- to the plaintiff. It is further directed that for additional evidence and for any rebuttal to the same, the trial Court shall not grant more than two months to the parties.

Petition is partly allowed. Parties are directed to appear before the trial Court on the date fixed or on May 23, 2015 whichever is later. It is made clear that in case the cost is not paid, the present petition will be deemed to have been dismissed.

May 1, 2015
sanjay

(M.M.S.BEDI)
JUDGE