

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

SR.NO.246-CR-6815-2014

Decided on: 05.05.2015

MODAN SINGH

.....Petitioner

VS

GURDEEP SINGH AND OTHERS

.....Respondents

CORAM HON'BLE MR. JUSTICE K.KANNAN

Present Mr.G.S.Simble, Advocate
for Mr. IS Brar, Advocate for the petitioner.
Mr.PPS Brar, Advocate for respondent no.1.

K.KANNAN, J

The plaintiff who has filed a suit for specific performance sought for evidence in rebuttal that the agreement sued upon was genuine.

The burden of proof is only on the plaintiff to establish the genuineness of the same. After the defendant gave his evidence, the plaintiff had applied to the Court for examining a handwriting expert after making comparison of the defendant's signature with the admitted signatures. The Court had allowed the same. I do not think there is any justification for allowing the plaintiff the benefit of rebuttal evidence when there was nothing to be rebutted. If the evidence had been concluded already, the plaintiff must have produced every bit of evidence that was necessary to prove the document. Such a facility cannot be available for the plaintiff if the defendant's side is closed.

The order passed is erroneous and is set aside.

The civil revision is allowed.

05.05.2015

mamta

(K.KANNAN)

JUDGE