

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.222 of 2015 (O&M)
Date of Decision.09.05.2016

Nachattar Singh

.....Petitioner

Vs.

Daler Singh

.....Respondent

Present: Mr. Aman Dhir, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

C.M. No.9420-CII of 2016

For the reasons stated in the application, order passed by this Court on 27.04.2016 is recalled and the revision petition is restored to its original number.

Application is allowed.

C.R. No.222 of 2015

1. The revision petition is the outcome of a poor drafting of issue by the Presiding Officer. In a defence by the defendant that the promissory note is forged one, he has framed the issue whether the promissory note is forged and placed the burden of proof on the defendant. On the other hand, the issue must have been whether the promissory note is genuine and placed the burden of proof on the plaintiff in which case the plaintiff would have been alive to the burden being placed on him and produced the appropriate evidence. In the

manner in which the issue was drafted and onus placed on the defendant, the defendant has given an expert evidence and the plaintiff wants to produce an expert to rebut evidence of the defendant's witness. It is justified for the reason that the Presiding Officer erred in framing an issue that has deflected the plaintiff to believe since burden was on the defendant, he can bring evidence after the defendant's side was closed. I strike off the issue framed by the court below and reframe the following issue:-

"Whether the promissory note dated 29.04.2009 is genuine and enforceable? OPP

2. The plaintiff will have the benefit of expert evidence and needless to state that if the defendant wants to further give any more evidence to contradict what the plaintiff's witness purports to give, he will be at liberty to do so.
3. The order impugned is set aside and the revision petition is allowed on the above terms.

(K. KANNAN)
JUDGE

May 09, 2016
Pankaj*