

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

CR No.5248 of 2016 (O&M)

Date of decision : 19.08.2016

Rajender Singh and another

...Petitioners

Versus

Sanjay Sharma and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Bhupinder Ghanghas, Advocate for the petitioners.

AMIT RAWAL, J. (Oral)

CM No.16250-CII of 2016

For the reasons stated in the application, which is duly supported by an affidavit, LRs of deceased Santosh Sharma i.e. respondent No.5 as mentioned in the application are ordered to be brought on record for the purpose of prosecuting the present petition.

Application stands allowed.

Main case

The petitioners-plaintiffs are aggrieved of the dismissal of the application seeking liberty of the Court to examine the expert at the time when defendant has led the evidence.

Mr. Bhupinder Ghanghas, learned counsel appearing on behalf of petitioners-plaintiffs submits that defendant in cross-examination denied the signatures on the agreement to sell. It is in these circumstances, the application aforementioned was filed and this aspect has not been noticed by the Court below. It is essential and necessary for the plaintiff to prove the signatures on the agreement to sell and, therefore application should have been allowed subject to the terms and conditions.

I have heard learned counsel for the petitioners-plaintiffs and appraised the paper book.

The factum of denial of signatures on the agreement to sell was reflected in the written statement. Plaintiffs were required to lead evidence in affirmative. I have come across many cases where similarly situated plaintiff do not lead the evidence vis-a-vis proving of the signatures and moved application for additional evidence. In the absence of rebuttal, additional evidence cannot be permitted as it tantamounts to leading the evidence in rebuttal which is not permissible in law.

For the foregoing reasons, no ground for interference is made out.

Dismissed.

19.08.2016

pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes

Whether reportable:-

Yes/No