

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6281 of 2016

Date of Decision: September 22nd, 2016

Lal Chand

...Petitioner

Versus

Anil Kumar

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Anuj Balian, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-plaintiff is aggrieved of the impugned order, whereby the application seeking aid of the Court to examine the Handwriting Expert by way of additional evidence, has been declined.

Mr.Anuj Balian, learned counsel for the petitioner-plaintiff submits that a suit for permanent injunction seeking restraint order against the respondent-defendant from interfering in the peaceful possession was filed in respect of the suit property situated in abadi deh on the basis of the ownership. Though the respondent-defendant had taken the stand of relationship of landlord and tenant and also set up the plea of compromise, but the same was not confronted during the cross-examination. Even in the evidence led by the respondent, he had only produced the attested copy of the compromise. Since the onus of proving the compromise was upon the defendant, occasion arose for the petitioner to rebut his evidence and accordingly application for examining the Handwriting Expert in rebuttal was moved, but the same has erroneously been declined by the trial Court. It

is in this backdrop of the matter, the present revision petition has been filed.

I have heard the learned counsel for the petitioner-plaintiff and appraised the paper book.

The issues framed read thus:-

- “1. Whether plaintiff is entitled to a decree for permanent injunction, as prayed for? OPP
2. Whether the plaintiff has concealed the true and material facts from the Court? OPD
3. Relief.

I am of the view that no doubt the onus of compromise is upon the respondent. If attested copy of the compromise has been placed on record, the Handwriting Expert would not be in a position to compare the signatures from the attesting copy in the absence of the original one. All these factors can be agitated and looked into at the final stage of the suit, but not in the manner and mode as has been done. There is no rebuttal issue.

No ground for interference is made out.

Revision petition stands dismissed.

September 22nd, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No