

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7233 of 2011 (O&M)

Date of Decision: 21.03.2016

Gurdeep Kaur and Others

... Petitioner(s)

Versus

Anil Chopra

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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

Present: Mr. Varun Sharma, Advocate
for the appellant(s)/petitioner(s).

Mr. R.S.Bajaj, Advocate
for the respondent(s).

Shekher Dhawan, J.

Present petition is against the order dated 17.11.2011, passed by learned Civil Judge (Junior Division), Jalandhar, whereby application for seeking permission to examine Handwriting Expert for the purpose of comparison of signatures of Jaswant Singh Cheema, on the certified copy of criminal miscellaneous petition (Ex.D28) with his standard signatures.

Taking the case from the undisputed facts that civil suit was

filed in the year 2000 and the parties led their respective evidence and the same was concluded in the year 2011. Thereafter, Jaswant Singh Cheema was again examined in rebuttal evidence. Even, while being examined as PW.7 on 29.9.2008, Jaswant Singh Cheema had admitted the fact regarding filing of Criminal Misc. No. 14858 of 2006, thereby impleading 23 respondents. Learned counsel for the petitioners submitted that it had come in the statement of DW.8 Sukhdev Singh and on that ground an application was filed to examine the Handwriting Expert so as to prove the signatures of Jaswant Singh Cheema.

Learned counsel for the respondent submitted that the fact of filing of criminal miscellaneous petition was in the knowledge of the present petitioners and even the question was asked to Jaswant Singh Cheema and the Court below has rightly dismissed the application on the ground that *de novo* trial cannot be ordered with this background.

Having considered the submissions made by learned counsel for both the parties, this Court is of the considered view that there is absolutely no illegality in the order under challenge. First of all, the parties have already concluded their evidence availing several adjournments during long period of 11 years i.e. from 2000 to 2011. Plaintiffs concluded their evidence and thereafter even led rebuttal evidence. The fact regarding filing of Criminal Misc. No. 14858 of 2006 was well within the knowledge of Jaswant Singh Cheema, who was examined as PW.7 on 29.9.2008. That way, petitioners cannot be allowed to lead the evidence in the manner they like because they have already led their evidence after availing more than reasonable

opportunities and thereafter led rebuttal evidence. The Court below has rightly declined the prayer of the present petitioners to allow them to examine the Handwriting Expert for the purpose of comparison of signatures of Jaswant Singh Cheema at the fag end of trial when the case is fixed for arguments. The Court below has rightly dismissed the application.

In view of above, present petition is dismissed being devoid of any merit.

(Shekher Dhawan)
Judge

March 21, 2016

"DK"