

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

C.R. No.943 of 2015 (O&M)
Date of Decision.28.01.2016

Amrik Singh

.....Petitioner

Vs.

Jagtar Singh

.....Respondent

Present: Mr. G.S. Punia, Senior Advocate with
Mr. T.S. Rai, 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)

1. There is an application to extend the stay order dated 11.02.2015. I directed the counsel to argue the revision petition itself on merits. It is a case where the plaintiff who sued on the basis of agreement is contested by a defence that agreement was not true. The plaintiff has examined himself and the defendant has also brought his evidence. At the stage of argument, the plaintiff filed an application for examination of the expert to say that the defendant has deliberately changed the signature and actual characteristic of his writing can be verified through an expert. The contention is that this evidence is really in the nature of an affirmation of what he was bound to prove on the basis that the burden of proof of establishing the genuineness of the document was only on the plaintiff and he cannot bring this evidence after the defendant's side was closed. The counsel would also refer to a

judgment of Division Bench of this Court in Surjit Singh and others Vs. Jagtar Singh and others 2007(1) PLR 552. While I find that as general practice, the Court shall not allow for additional evidence to be given after the conclusion of the evidence of defendant, if there are peculiar circumstances set out such as when the plaintiff says that there are specific characteristics of the defendant's signatures which would require to be brought, I take it as matter of discretion for the trial Court to accept and allow for examination of an expert. I will not find any cause for intervention at the stage of revision. If the defendant is aggrieved, he is also at liberty to give any contra evidence brought by the plaintiff by way of additional evidence.

2. With this liberty, the revision petition is dismissed.

(K. KANNAN)
JUDGE

January 28, 2016
Pankaj*