

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

1. CR No.3057 of 2017 (O&M)
Date of decision : 15.11.2017

Surinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

2. CR No.3413 of 2017 (O&M)
Date of decision : 15.11.2017

Surinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naresh Kaushal, Advocate for the petitioner.
(In both petitions)

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. H.N.S. Gill, Advocate
for respondent Nos.2 to 6 and 10 to 12.
(In both petitions)

Mr. Naresh Gopal Sharma, Advocate for respondent Nos.7 to 9.
(In both petitions)

ANIL KSHETARPAL, J. (ORAL)

By this common order, I shall be disposing of CR Nos.3057

and 3413 of 2017.

The petitioner is in revision petition against the order refusing the permission to examine a Handwriting Expert to compare the signatures of Ashkina.

The petitioner had filed a petition under Section 30 of the Land Acquisition Act, 1894 seeking apportionment in the compensation payable. The petition was filed on 25.09.2006 which has been pending in the Court for more than 11 years. The petitioner after framing of issues was given opportunity to lead evidence. She produced copy of the affidavits of Ashkina on the file as Ex.P4 and Ex.PW4/A. The aforesaid documents have already been admitted in evidence.

Counsel for the petitioner has submitted that the examination of Handwriting Expert would help the Court in adjudicating the dispute. A report of the expert is only an opinion. Once the direct evidence is available on the file and the case is now fixed for rebuttal arguments, therefore, in the opinion of this Court, application for permitting the applicant to examine the expert cannot be allowed.

Learned counsel for the petitioner has also submitted that the petitioner wants to lead the evidence of the expert in rebuttal evidence. It has been held by this Court that the rebuttal evidence is restricted only on the issues onus whereof was on the defendant. Reference in this regard can be made to *2007(1) PLR 552, Surjit Singh and others Vs. Jagtar Singh and others* and *2007(1) RCR (Civil) 794, Jagdev Singh and others Vs. Darshan Singh and others*.

Learned counsel for the petitioner could not justify that the

evidence sought to be led falls within the scope of rebuttal evidence.

In view thereof, there is no ground to interfere with the orders passed by the Court.

Revision petitions are dismissed.

All the pending miscellaneous applications are disposed of, in view of the abovesaid order.

15.11.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No