

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.4063 of 2017

Date of Decision: 13.07.2017

Liaqat Ali Shah

... Petitioner

Versus

Rajinder Singh and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Parvez Akhtar, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.

1. This is a revision petition under Article 227 of the Constitution of India assailing the order dated April 27, 2017 passed by the Civil Judge (Junior Division), Malerkotla dismissing the application for permission to examine handwriting and fingerprint expert filed at the stage of rebuttal evidence. The learned trial Court has declined permission for the reason that the defendant took a specific plea in the written statement that the agreement to sell dated October 27, 2009 was a forged and fictitious document. Plaintiff therefore had ample opportunity during recording of his evidence when affirming the averments made in the plaint. When he failed to do so he lost his opportunity to lead evidence by producing handwriting and fingerprint expert during recording of his affirmative evidence. The trial Court has not committed any error in declining the application filed at the belated rebuttal stage. It may be noted that the suit was for possession by way of specific performance based of the agreement to sell suit property which was the heart of the case.

2. No ground for interference is made out and accordingly, the petition is dismissed.

13.07.2017
manju

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No