

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

CR No. 4555 of 2017

Date of Decision: 17.07.2017

JASWANT SINGH

-PETITIONER

VS

JASVIR SINGH

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. K.S. Sidhu, Sr. Advocate, with
Mr. A.S. Sandhu, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Expert evidence is sought to be led in additional evidence in a suit for recovery. Defendant took a specific stand in the written statement and denied the factum of pronote and receipt. No evidence was led in affirmative.

Plaintiff cannot lead evidence in rebuttal in respect of an issue, the onus of which on the plaintiff.

This issue was settled by this Court in **Surjit Singh and others vs. Jagtar Singh and others, 2007(1) RCR (Civil) 537 (DB); Jagdev Singh and others vs. Darshan Singh and others, 2007(1) RCR (Civil) 794** and **Avtar Singh vs. Baldev Singh, 2015(1) PLR 230.**

The question arises whether plaintiff can lead the

same evidence by way of additional evidence particularly when he had an opportunity to stake claim at rebuttal stage (though not maintainable). The question was negated in **Ram Kumar vs. Raj Kumar and others, 2014(3) CivCC 453** and **M/s Shree Sangmeshwar Mahadev Gramo Udyog Mandal vs. Ajmer Singh and another, 2014(4) Law Herald 3627.**

I have seen the pleadings and the material on record.

The onus of relevant issue was on the plaintiff for which he was required to lead evidence in affirmative. No such evidence was led. The said evidence could not be led even in rebuttal. Prayer for additional evidence for examination of expert in respect of an issue for which no evidence in affirmative was led, cannot be granted in the manner as prayed by the petitioner.

Accordingly, this revision petition is dismissed.

17.07.2017
jjyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No