

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CR-5072 of 2015

Date of Decision:31.08.2017

Daljinder Singh

.....Petitioner

Versus

Janmeja Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

**Present: Mr.M.K.Singla, Advocate,
for the petitioner.**

**Mr.Narinder Singh, Advocate,
for Mr.D.S.Malwai, Advocate,
for the respondent.**

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the impugned order dated 01.07.2015 passed by the learned trial court, whereby plaintiff was permitted to lead his evidence in rebuttal by examining hand-writing and finger print expert, consequent upon his reserving the right to lead his rebuttal evidence at the time of closing of his evidence in affirmative, defendant has approached this Court by way of instant revision petition, filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued.

Heard learned counsel for the parties.

A bare perusal of the impugned order passed by the learned trial court will make it crystal clear that at the time of closing his evidence in affirmative, plaintiff has specifically reserved his right to lead his

evidence in rebuttal. It is also a matter of record that the defendant-petitioner has examined his hand-writing and finger print expert as DW2. In this view of the matter, the learned trial court rightly allowed the application of the plaintiff by permitting him to examine his hand-writing and finger print expert in his rebuttal evidence. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

Petitioner-defendant was not being taken by surprise by passing the impugned order. Further, no prejudice of any kind, whatsoever, has been caused to the petitioner by passing the impugned order by the learned trial court. Once the defendant has examined his hand-writing and finger print expert as DW2 in his defence evidence, application moved by the plaintiff was rightly allowed by the learned trial court, while passing the impugned order so as to enable the plaintiff to lead his rebuttal evidence by examining his hand-writing and finger print expert. Under these circumstances of the case, it can be safely concluded that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order passed by the learned trial court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order has been found based on sound reasons.

No other argument was raised.

Considering the peculiar facts and circumstances of the case

noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

August 31, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No