

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

CR No.817 of 2016
Date of decision : 02.11.2017

M/s Ram Chand Bhim Sain

...Petitioner

Versus

Bhoop Singh (deceased) through his LRs Rajni Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.S. Mittal, Advocate for the petitioner.

Mr. Aman Sharma, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The petitioner-plaintiff is in revision petition against the order declining the prayer of the plaintiff to examine the expert witness in additional evidence i.e. a Finger Print Expert and Handwriting Expert.

Learned trial Court partly allowed the application and permitted the plaintiff to produce various bills of the sale of goods to be produced in additional evidence. However, the trial Court refused the permission to examine expert witness in additional evidence. Learned trial Court noticed that the plaintiff has already availed 15 effective opportunities and thereafter the evidence of the plaintiff was closed by order.

After the dismissal of the application, the plaintiff further filed one application seeking permission to examine expert witness on the ground that the expert has already taken photographs and therefore he should be

permitted. The aforesaid application was also dismissed by the trial Court on 07.01.2016.

Learned counsel for the petitioner has vehemently argued that since the expert engaged by the plaintiff has already taken photographs, therefore, he should be permitted to file the report and he should be permitted to examine in evidence.

The additional evidence is not to be allowed in normal course. The plaintiff has to make out his case for permission to lead additional evidence. In the present case, the plaintiff had filed a suit for recovery of ₹1,66,088/-. The trial has remained pending for more than 6 years. The plaintiff has already availed 15 effective opportunities while leading his evidence. A Finger Print and Handwriting Expert only gives an opinion. The plaintiff has failed to justify why the plaintiff could not produce such evidence earlier.

Since, the plaintiff has failed to establish such facts, therefore, there is no ground to interfere with the orders passed by the Courts.

Revision petition is dismissed.

02.11.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No