

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

CR No.8114 of 2017 (O&M)

Date of decision : 20.11.2017

M/s Bajwa Trading Company and another

...Petitioners

Versus

Sarwan Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ranjit Saini, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-petitioners are in revision petition against the order dismissing the application for permission to lead additional evidence by examining a Handwriting and Finger Print Expert.

Learned trial Court has noticed that the defendant while filing the written statement had denied the borrowing of any amount or signing of any document regarding receipt of any cheque. The plaintiffs concluded their evidence and thereafter the defendant also concluded his evidence.

The plaintiffs at that stage moved an application for additional evidence. Learned trial Court after discussing all aspects of the matter has chosen to dismiss the application on the ground that at this stage when the case is at the fag end, the petitioners-plaintiffs cannot be permitted to lead additional evidence to fill up the lacunas.

The trial Court has noticed that the plaintiffs have failed to furnish any plausible explanation as to why they did not examine Handwriting and Finger Print Expert while leading their evidence in

affirmative.

I have heard the learned counsel for the petitioners at length and with his able assistance gone through the documents available in the paper book.

It is not in dispute that the defendant while filing written statement had specifically denied that he had not borrowed any amount from the plaintiff-firm. He had further submitted that he had not get encashed the said cheque himself or through his banker. It was further pleaded that the plaintiffs have committed forgery and fraud in conspiracy with the bank.

In these circumstances, it was incumbent upon the plaintiffs to lead their evidence in affirmative to prove their case. At the stage when the evidence has been concluded, the learned trial Court has rightly concluded that the plaintiffs-petitioners cannot be permitted to get examined the signatures of the defendant on the counterfoil of the cheque by way of additional evidence from a Handwriting and Finger Print Expert.

For the reasons recorded above, this Court does not find any good ground to interfere with the impugned order passed by the trial Court.

Revision petition is dismissed.

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

20.11.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No