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

**Civil Revision No.1782 of 2015
Date of Decision: 15.10.2018**

RASHPINDER SINGH

.....Petitioner

Vs

SEEMA

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vivek Suri, Advocate
for the petitioner.

Mr. Gaurav Saini, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 18.02.2015 passed by the Civil Judge (Sr. Divn.) Amabla and one more order of even date vide which application for permission to summon the record of gift deed dated 02.07.2008 and to engage handwriting expert for comparison of the signatures of the respondent on the agreement to sell and gift deed was dismissed.

[2]. The basic issue involved in the present case is that the suit for specific performance was filed on the basis of

agreement to sell dated 29.08.2008. In the written statement filed by the defendant, plea of denial was taken in respect of execution of agreement to sell.

[3]. While leading affirmative evidence, the plaintiff did not adduce any evidence to prove due execution of agreement to sell removing all doubts with regard to the plea taken by the defendant in the written statement. The evidence of the plaintiff was closed and in the evidence of the defendant, she has proved handwriting and fingerprint expert to show that the signatures appearing on the agreement to sell are not that of defendant. Thereafter plaintiff sought to examine handwriting and fingerprint expert in rebuttal evidence.

[4]. It is a settled principle of law that the plaintiff cannot lead evidence in rebuttal in respect of an issue, the onus of which was on the plaintiff himself. Reference can be made to **Surjit Singh and others vs. Jagtar Singh and others, 2007(1) RCR (Civil) P&H 537 (DB); Jagdev Singh and others vs. Darshan Singh and others, 2007(1) RCR (Civil) 794 (DB)** and **Avtar Singh vs. Baldev Singh, 2015(1) PLR 230.** Even if the plaintiff has reserved the right to lead evidence in rebuttal, the same is relatable to the issue herein as there was no such rebuttle issue in view of facts on record.

[5]. In view of aforesaid legal position, I find no justification

in interfering in the impugned order passed by the trial Court.

This revision petition is accordingly dismissed.

October 15, 2018

(RAJ MOHAN SINGH)
JUDGE

Atik

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No