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

1. **Civil Revision No.3523 of 2017(O&M)**
Date of Decision: 08.08.2018

Nirmal SinghPetitioner
Vs
Sandeep KumarRespondents

2. **Civil Revision No.6900 of 2017**

Smt. Sushil KumariPetitioner
Vs
Sandeep KumarRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. B.D. Sharma, Advocate
for the petitioner(s).

Mr. Harpal Singh, Advocate for
Mr. Peeush Gagneja, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. Vide this common order Civil Revision Nos.3523 and 6900 of 2017 are being decided.

[2]. Petitioner(s) has assailed the order dated 20.02.2017 and 08.09.2017 passed by the Addl. Civil Judge (Sr. Divn.) Abohar vide which application filed for permission to lead evidence of handwriting expert in rebuttal was dismissed. Since common issue is involved in the both the petitions, therefore, for brevity the facts are being culled out from CR No.3523 of 2017.

[3]. Application for leading expert evidence was filed on the ground that the defendant has led the evidence beyond the scope of the issues and got permission to lead evidence of expert on certain documents alleged to be receipts and writings dated 28.02.2010 and 28.10.2012. Both the aforesaid documents were claimed to be forged and fabricated.

[4]. In the written statement filed by the defendant, he has pleaded that vide the aforesaid writing and receipts, the matter was settled, however the plaintiff(s) claimed that the aforesaid writing and receipts were forged and fabricated.

[5]. On the basis of pleading of the parties, the trial Court framed the following issues:-

- “1. Whether the plaintiff is entitled for recovery of Rs.10,32,000/- along with interest as prayed for? OPP*
- 2. Whether the suit of plaintiff has been filed within period of limitation? OPP*
- 3. Relief.”*

[6]. The onus of issue no.1 was on the plaintiff only, who was required to lead evidence in affirmative for the receipts in question. In view of **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 DB**

the plaintiff(s) cannot be allowed to lead evidence in rebuttal on an issue, the onus of which was on the plaintiff himself. The respondent has not reserved his right to lead evidence in rebuttal.

[7]. In view of aforesaid legal position, no indulgence can be granted in favour of the petitioner(s). Both the revision petitions are accordingly dismissed.

August 08, 2018

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No