

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

CR No.5271 of 2017
Date of decision : 27.04.2018

Ram Kumar

...Petitioner

Versus

Rachna Rani

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner is in the revision petition against the order dated 11.07.2017 passed by the learned trial Court dismissing the application filed by the plaintiff for permission to lead additional evidence so as to get examine the signatures of the defendant on the agreement to sell from the Document and Finger Print Expert.

Learned counsel for the plaintiff has drawn the attention of the Court to para 4 of the written statement filed by the defendant wherein she had taken a stand that she was asked to furnish surety and, therefore, her signatures were obtained on typed stamp paper and in the register of one Advocate. Learned counsel has further submitted that however when the defendant appeared in the evidence, she took a somersault and denied her signatures. Counsel has submitted that hence the plaintiff moved an application for additional evidence so as to prove her signatures on the

agreement to sell.

Learned Court has declined the request on the ground that the case is at the rebuttal stage and, therefore, the additional evidence cannot be allowed.

In the considered opinion of this Court, the order dated 11.07.2017 passed by the learned Additional Civil Judge (Senior Division) Yamunanagar, is erroneous.

Once it is established on the file that in the pleadings, defendant admitted her signatures whereas while appearing in the evidence she took somersault and denied her signatures, the plaintiff was not in error in moving an application for additional evidence. The defendant was examined on 19.08.2016. Immediately thereafter, the application for additional evidence was moved.

In view of the aforesaid, the order under challenge is set aside.

Revision petition is allowed.

The petitioner is granted opportunity to lead additional evidence as prayed for, however, it shall be the responsibility of the plaintiff-petitioner to ensure the examination of the Document and Finger Print Expert on the date to be fixed by the Court for recording evidence.

27.04.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No