

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

CR No. 5821 of 2015 (O&M)
Date of Decision: 29.08.2018

Apinder Raj Singh

.....Petitioner

Versus

Chuhar Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vishal Aggarwal, Advocate
for the petitioner.

Mr. R.K. Singla, Advocate
for the respondent.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 16.07.2015 passed by the Additional Civil Judge (Senior Division), Phillaur (for short, the Trial Court) dismissing the application filed by the petitioner through which he had sought to examine an expert witness to prove signatures of the respondent on the agreement to sell in question and the power of attorney allegedly given by the respondent to Sh. Raj Kumar, Advocate as also to produce official of State Bank of Bikaner and Jaipur, Madhopuri Chowk, Ludhiana to prove that cheque No.718646 dated 28.01.2006 amounting to ₹6.00 Lakhs allegedly given by the petitioner to the respondent as earnest money was encashed by the respondent.

At the very outset, learned counsel for the respondent submits that he has no objection, if the present petition filed by the petitioner seeking to lead rebuttal evidence is allowed.

In view of the above statement made by learned counsel for the

respondent as also for the reasons that this Court also finds that the

impugned order is unsustainable as the petitioner was seeking to lead rebuttal evidence only on those issues which for the first time had been denied by the respondent while leading his own evidence, after setting aside the impugned order, the petitioner is permitted to lead rebuttal evidence as sought for by him.

The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

29.08.2018
sandeep

Whether Speaking/Reportable : Yes/No
Whether Reportable : Yes/No