

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

**CR No.5770 of 2017 (O&M)
Date of decision : April 24, 2018**

Sunil Gupta

..... Petitioner

Versus

Subhash Gupta and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep Sharma, Advocate for the petitioner.

Me. Shashank Sharma, Advocate for the respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 09.08.2017 (Annexure P-6) passed by the learned Civil Judge (Jr. Divn.), Chandigarh, vide which the evidence of the defendant-petitioner was closed by orders.

Heard.

A perusal of the impugned order shows that 13 effective opportunities were granted to the defendant-petitioner to conclude his evidence.

It comes out that in fact, the present petitioner-defendant had challenged the order dated 24.05.2017 before this Court by way of filing CR No.5274 of 2017, in which no stay was granted. On account of filing the revision, the evidence was not led.

Learned counsel of the petitioner has argued that in order to rebut the handwriting expert of the plaintiffs, he is to examine the handwriting expert and he may be granted one opportunity for the same.

It is not denied that the handwriting expert of the plaintiffs has been cross-examined by the defendant-petitioner. It is claimed that since the handwriting expert was not cross-examined by an handwriting expert, therefore, the evidence of the handwriting expert is required to rebut the evidence of handwriting expert produced by the plaintiffs.

I am of the view that under the amended CPC, only three opportunities were to be granted. Whatever may be the reason, 13 effective opportunities were granted and the defendant was supposed to conclude his evidence. If he failed to do so, he has to blame himself for the same. There is no ground to interfere in the impugned order.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

April 24, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No