

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 6458-2015 (O&M)

Date of decision: 14.02.2018

M/s Kasar Chand Om Parkash

.....Petitioner

versus

Tara Singh and another

.....Respondents

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. Sanjiv Gupta, Advocate for the petitioner
None for the respondents

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Impugned in the present revision is the order dated 19.8.2015, passed by learned Civil Judge (Junior Division), Sirsa, vide which, application filed by the plaintiff for examining the expert witness as additional evidence to prove signatures of the defendants on the Bahi entries was dismissed.

It comes out that the plaintiff has filed a suit for recovery on the basis of Bahi entries. There was a specific issue regarding the fact as to whether the plaintiff is entitled to recovery along with the interest? There were some formal issues, burden of proving which was on the defendant. Plaintiff led affirmative evidence to prove his claim. Now, when the defendant appears and he was cross-examined, his signatures on account books were put to him. He denied the signatures on the said account books. Thereafter, the present application was moved.

I am of the view that the application was rightly dismissed.

Plaintiff was required to lead evidence in affirmative to prove said bahi entries and then it was for the defendant to rebut it. Mere denial by the defendant may not be sufficient. Defendant not stated to have examined any expert for comparison of his standard signatures with the signatures on the Bahi. In the written statements defendant has already denied all the averments made in the petition including account books. Therefore, the application for leading additional evidence was rightly dismissed by the trial Court. There is no ground to interfere in the impugned order.

Resultantly, the present revision petition stands dismissed.

14.02.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No