

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

CR No.6670 of 2014  
Date of decision : 20.03.2018

Mehar Singh and another

...Petitioners

Versus

Surinderpal Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Rakesh Gupta, Advocate for the petitioners.

Mr. Aakash Singla, Advocate for the respondent.

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**ANIL KSHETARPAL, J. (ORAL)**

The defendants-petitioners are in the revision petition against the order dated 03.09.2014 passed by the trial Court.

After both the parties have concluded their evidence, the defendants-petitioners filed an application for leading additional evidence. The application for additional evidence was allowed by the Court vide order dated 17.05.2014. Once the defendants were allowed to lead additional evidence, the plaintiff had to be given opportunity to rebut the same. In the present case, initially the plaintiff moved an application for summoning the witnesses who had deposed about the enquiry reports and permitting them to cross-examine the witnesses. The application was dismissed by the trial Court. However, the Court granted the opportunity to the plaintiff to lead evidence to rebut the additional evidence by examining the Handwriting and

Finger Print Expert. The defendants-petitioners are aggrieved of the aforesaid order after the application for recall of the same, has been dismissed.

Learned counsel for the petitioners has vehemently argued that the evidence in rebuttal can only be restricted to the additional evidence led, whereas on the other hand, learned counsel for the respondent-plaintiff has submitted that once the defendants-petitioners have been permitted to lead additional evidence, the lower Court has not committed any error in the facts and circumstances of the present case to permit the plaintiff to examine the Handwriting and Finger Print Expert in support of his case.

This Court has considered the arguments of the learned counsel.

It is not disputed that it was the defendants who initially moved an application for additional evidence. In additional evidence, the defendants produced on file the certain enquiry reports which are extracted as under:-

*“(i) Certified copy of the enquiry report of Superintendent of Police (Detective), Patiala bearing No.892/RC/SP/D dated 21.2.2014.*

*(ii) Certified copy of the Enquiry Report of SI Amanpal Singh, Incharge, Economic Offences Wing-1(C), Patiala bearing No.314/5C/EOW/dated 25.01.2014.*

*(iii) Certified copy of the Enquiry Report of Inspector Jaswinder Singh, Incharge, Economic Offences Wing © Patiala bearing No.304/5C/EOW/dated 6.11.2013.*

*(iv) Certified copy of the Enquiry Report of ASI Surinder Singh of Economic Offences Wing (C) Patiala.*

*(v) Certified copy of complaint given by defendant Mehar*

*Singh to the SSP, Patiala bearing No.2383/Peshi dated 10.10.2013.*

*(vi) Certified copy of statement of Mehar Singh recorded during the course of Enquiry.*

*(vii) Certified copy of statement of Inder Kumar, Registry Clerk from the office of Sub Registrar, Patiala recorded during the course of enquiry.*

*(viii) Certified copy of statement of Parvinder Singh dated recorded during the course of Enquiry.*

*(ix) Certified copy of statement of Navdeep Gupta, Handwriting & Fingerprints Expert, Patiala, recording during the course of Enquiry.*

*(x) Certified copy of FIR No.57 dated 08.03.2004 under Sections 465, 466, 467, 468, 471 IPC registered at Police Station Civil Lines, Patiala against the plaintiff Surinder Pal Singh.”*

Once the defendants had been given opportunity to lead additional evidence, the Court was correct in granting opportunity to the plaintiff to lead evidence in rebuttal. In the present case, learned trial Court after considering various aspects of the case has allowed the plaintiff to examine the Handwriting and Finger Print Expert.

This Court does not find that such order requires interference in exercise of jurisdiction under Article 227 of the Constitution of India.

In view of the above, the present revision petition is dismissed.

**20.03.2018**

*Pawan*

**(ANIL KSHETARPAL)  
JUDGE**

**Whether speaking/reasoned:-**                      **Yes/No**

**Whether reportable:-**                                      **Yes/No**