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

**Civil Revision No.1436 of 2018
Date of Decision: 08.01.2019**

PAWAN KUMARPetitioner
Vs
JAGDEEP SINGH AND OTHERS....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Namit Gautam, Advocate
for the petitioner.

Mr. Amit Jhanji, Advocate
for the respondents.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 05.02.2018 passed by the Addl. Civil Judge (Sr. Divn.) Jalandhar, vide which application for grant of permission to cross-examine Handwriting Expert in rebuttal for comparison of signature of defendant No.5 Jasdeep Singh on the receipt Ex.P-7 dated 18.02.2011 with agreement to sell dated 16.11.2010 was dismissed.

[2]. Defendant No.5 was the marginal witness, who had allegedly received an amount of Rs.1,02,000/- on 18.02.2011. Defendant No.5 in his written statement has denied the receipt and his signature on the alleged receipt. Defendant No.1 on oath has stated that he did not remember that defendant No.5 had received Rs.1,02,000/- on 18.02.2011.

[3]. Written statements were filed by the defendant in the year 2014 and thereafter issues were framed on 21.04.2015. Plaintiff had already concluded his evidence in affirmative after availing number of opportunities. The evidence of the plaintiff was closed on 11.08.2017. Thereafter evidence of the defendants started. Defendant No.5 has specifically denied the very execution of the receipt Ex.P-7. Plaintiff did not lead Expert evidence in his affirmative evidence.

[4]. In view of Surjit Singh and others vs. Jagtar Singh and others, 2007 (1) RCR (Civil) 537 DB; Jagdev Singh and others vs. Darshan Singh and others, 2007 (1) RCR (Civil) 794 and Avtar Singh vs. Baldev Singh, 2015 (1) PLR 230, the plaintiff cannot be allowed to lead evidence in rebuttal in respect of an issue the onus of which was on the plaintiff himself.

[5]. In view of denial by defendant No.5 in his written statement, no indulgence can be granted in the revision petition. This revision petition is found to be devoid of merits and the same is accordingly dismissed.

January 08, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No