

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

**CR No.3808 of 2018(O&M)
Date of Decision: 14.02.2019**

Gurmit Kaur

.....Petitioner

Versus

Surinder Kumar (Nitta)

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Ms. Karmanjot Kaur, Advocate for
Ms. Himani Kapila, Advocate
for the petitioner.

Mr. J.S. Mahal, Advocate
for the respondent.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 17.05.2018 passed by Civil Judge (Senior Division), Gurdaspur vide which the application filed by the petitioner for leading additional evidence was dismissed.

[2]. Perusal of the record would show that the plaintiff/petitioner has already closed her evidence in affirmative after availing 15 effective opportunities including last opportunity to conclude her evidence. Thereafter, defendant has also concluded his evidence and the case was partly heard by the

trial Court on merits.

[3]. At this stage, an application for producing handwriting expert to examine signatures of defendant on register with his admitted signatures was filed by the plaintiff/petitioner. Defendant has already denied his signatures in the written statement. Plaintiff did not examine handwriting expert in her evidence in affirmative for comparison of signatures of defendant with his admitted signatures. Issues were framed on 04.08.2017 and thereafter, plaintiff availed as many as 15 effective opportunities to conclude her evidence including the last opportunity. The written statement filed by the defendant revealed that the aforesaid fact was denied by him in para No.3 of the written statement and he claimed that the suit has been filed by the plaintiff on the basis of forged and fabricated record. The controversy is covered under issue No.4 already framed by the trial Court and onus of the said issue is on the defendant.

[4]. Once the Court has reached the stage of arguments, this nature of evidence cannot be allowed to be led at this stage, particularly when no evidence was sought to be produced even at the stage of rebuttal. Though the plaintiff cannot lead such type of evidence even in rebuttal and filing of the application is just a step to counter said impediment in the way of the plaintiff.

[5]. Looking to the facts and circumstances of the case, I do

not see any error of jurisdiction in the impugned order dated 17.05.2018 passed by Civil Judge (Senior Division), Gurdaspur. This revision petition is found to be totally devoid of merits and is accordingly dismissed.

14.02.2019
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No