

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

**CR no.9123 of 2017 (O&M)**

**Date of Decision: 21.02.2019**

M/s Rajinder Singh Jai Narain

...Petitioner

Vs.

Rajinder Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. Amit Singla, Advocate, for the petitioner.  
Mr. Nipun Sharma, Advocate, for the respondents.

**Amol Rattan Singh, J (Oral)**

By this petition, the petitioner challenges the order of the learned trial court (Civil Judge, Jr. Divn.), Hisar, dated 13.12.2017, whereby his application seeking exhibition of a *daily roznamcha* and rent paid, by way of additional evidence, as also for examining the *Munim* (Accountant) of the firm, has been dismissed.

Learned counsel for the petitioner has argued that the documents which are now sought to be exhibited and in respect of which a *Muneem* (Accountant of the firm) is sought to be examined, were documents that were tendered by the petitioner right from the time that the suit was instituted and in fact the documents that have even been referred to by the finger print expert, Shri Yashpal Chand Jain, who had been examined as PW-14, they having been referred to as marks X2 to X39 in his report.

He therefore submits that simply because inadvertently they were not tendered as exhibited documents (Exs.P-56 to P-60), which

according to the petitioner (plaintiff in the suit) go to the root of the matter, the documents may at least be allowed to be exhibited.

Learned counsel for the respondents *per contra* submits that the documents having been sought to be exhibited at the fag end of the trial, as has been rightly noticed in the impugned order, the said order does not required to be interfered with.

He however could not deny that the documents have been referred to in the report of the hand writing expert who was duly examined.

That being so, it is considered appropriate that the documents as are referred to in the report of the hand writing expert, who is stated to have been examined as PW-14, Shri Yashpal Chand Jain, be allowed to be exhibited by the trial court, with a right to the respondents (defendants) to cross-examine the hand writing expert in the context of those documents.

However, the application of the petitioner before the trial court as regards examining another witness at this stage, in respect of the said documents, i.e. the Accountant of the firm, who was never examined at the time of the petitioners' affirmative evidence, cannot be allowed, especially in the light of what has been stated in the impugned order, to the effect that the petitioner was earlier also moving such applications time and again, and the present one having been moved at the fag end of the trial only to delay proceedings further.

Thus, despite this court having noticed the above with regard to the possibility of the application having been moved to simply delay proceedings, yet, only because the documents are admittedly on record as marked documents, with the hand writing expert also having made his

comments in his report in respect of which he was examined by the petitioner-plaintiff, the petition is allowed to the aforesaid extent, that the documents be now permitted to be shown as exhibited documents, with a right to the respondents-defendants to cross-examine the hand writing expert with regard to the same, and further, with a right to the respondents to otherwise disprove the said documents, their contention being that they are not admitting the authenticity of the documents in any case.

The trial having remained pending since 2012, with obviously one year and 2 months having been spent on this petition alone, the trial court would conclude it within a period of 6 months.

**21.02.2019**  
vcgarg/dinesh

**(Amol Rattan Singh)**  
**Judge**

**Whether speaking/reasoned : Yes**  
**Whether reportable : Yes**