

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

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CR-1373-2020

DATE OF DECISION: 26.02.2020

BALBIR SINGH (DECEASED) THROUGH LR. ... Petitioner (s)

Versus

SARBJIT SINGH AND ANR. ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vinod Khunger, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order of the trial Court dated 13.02.2020, whereby his application for permission to lead additional evidence by examining handwriting expert, has been dismissed.

Learned counsel for the petitioner contends that the father of the petitioner, who was earlier pursuing the case had expired in the year 03.11.2017 and, therefore, the application, which has been preferred by the petitioner should have been allowed as the additional evidence was necessary for the just and proper decision of the matter.

The respondent-plaintiff is stated to have filed a suit for specific performance of the agreement dated 04.10.2005. The evidence of the petitioner-defendant had been closed in the year 2014. The application for permission to lead additional evidence by examining handwriting expert has been preferred in the year 2019 i.e after 5 years of the closure of the defendant's evidence. It deserves to be noticed that the respondent-plaintiff had preferred an application for examination of the handwriting expert which

had been allowed by the trial Court on 14.11.2014. However, the petitioner herein, had challenged the order dated 14.11.2014 by preferring Civil Revision No.7891 of 2014 which was allowed by the coordinate Bench of this Court on 27.09.2019 and, therefore, the respondent-plaintiff was not permitted to lead additional evidence for examining handwriting expert in rebuttal. The instant petition had been preferred by the petitioner after 5 years of the closure of the defendant's evidence and in case the petitioner wanted to examine the handwriting expert, he had been granted ample opportunity to do so while leading his evidence.

Therefore, I do not find any infirmity in the order of the trial Court dismissing the application of the petitioner. Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

26.02.2020.

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No