

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-8699 of 2016(O&M)
Date of Order: 17.05.2022

Virender Kumar

..Petitioner

Versus

Sucha Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mrs. Anju Arora, Advocate
for the petitioner.

Mr. Vijay Lath, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

The plaintiff assails the correctness of the interlocutory order passed by the trial Court while rejecting the application filed by him to produce Handwriting and Fingerprint Expert, in the rebuttal evidence in order to prove signatures of the defendant on the agreement to sell.

The scope of the rebuttal evidence is limited. The rebuttal evidence can be permitted only with respect to issue, onus whereof, was on the defendant.

The trial Court framed the following issues:-

- “1. Whether the plaintiff is entitled for declaration as prayed for?OPP
2. Whether the plaintiff is entitled for injunction as prayed for?OPP
3. Whether the plaintiff is entitled for recovery as prayed for?OPP
4. Whether the suit is time barred?OPD
5. Whether the suit is not maintainable?OPD
6. Relief.”

The learned counsel representing the petitioner contends that the defendant after making a statement in his written statement as well as in

examination-in-chief admitting his signatures on the blank papers has denied his signatures in the cross-examination.

In the considered view of the Court, the scope of evidence at the stage of rebuttal is well defined by two different Division Benches in *Surjit Singh and others vs. Jagtar Singh and others 2007 (1) RCR (Civil) 537* and *Jagdev Singh and others vs. Darshan Singh and others' 2007 (1) RCR (Civil) 794*.

The learned counsel representing the petitioner failed to draw the attention of the Court to any issue framed by the Court, onus whereof, was on the defendant, to enable the Court to allow the plaintiff to examine the expert.

In view thereof, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

May 17, 2022

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(ANIL KSHETARPAL)
JUDGE

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