

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

Sr. No.122

**CR-710-2022 (O&M)
Date of decision : 03.03.2022**

Baldev Singh

..... Petitioner

VERSUS

Amrik Chand and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. A.S. Manaise, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

During the rebuttal evidence, the plaintiffs filed an application for leading additional evidence by way of examination of an expert. The application has been allowed.

In the suit, there is a dispute regarding a document executed by defendant No.1. The said document allegedly bears his thumb-impression. At the stage of rebuttal, the plaintiffs have come in possession of a document which allegedly contains the admitted thumb-impression. Thus, the aforementioned application was filed.

Learned counsel for the petitioner has argued that the application could not have been allowed as it is highly belated and has been filed only for the purpose of delaying the trial. The document sought to be produced for comparison now was never produced earlier and only a photocopy thereof was produced. Thus, the trial Court was in error in allowing the application.

The argument cannot be accepted. Any evidence which may facilitate the decision of a suit can be permitted to be led even at the stage of rebuttal. Delay would not be fatal in such cases, especially, when the plaintiffs have shown that the document came into their possession only at the stage of rebuttal. Had the document been in their possession earlier, there was no difficulty in producing the same in original rather than producing a photocopy.

The revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

03.03.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No