

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

127

CR-4196-2022

Date of decision: 28.09.2022

Surinder Kumar

.....Petitioner

Versus

Karnail Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Kalsi, Advocate for
Mr. H.S. Batth, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is impugning the order dated 10.08.2022 (Annexure P-5) passed by the learned Court below whereby an application moved by the petitioner for sending pronote and receipt dated 06.06.2012 to Security Press, Nasik, Maharashtra for the purpose of determining the date of issuance of the revenue stamps affixed on the pronote and the receipt was dismissed.

Learned counsel appearing for the petitioner/defendant submits that while passing the impugned order the Lower Appellate Court failed to appreciate that the main issue in the case was as to whether the pronote and the receipt was executed by him or not. It was submitted that the petitioner had taken a categorical stand that his signatures had been obtained by the respondent/plaintiff in the year 2015 though the documents were alleged to have been executed in the year 2012, after kidnapping of the petitioner. Therefore, to ascertain the date of issuance of the revenue stamps affixed upon the pronote and the receipt it was necessitated to get it examined from the Security Press at Nasik. Learned counsel vehemently argued that opinion of the Security

Press, Nasik would help in the just and effective adjudication of the case failing which grave injustice would be caused to him.

I have heard learned counsel and perused the relevant material on record.

A perusal of the impugned order reveals that the suit of the respondent/plaintiff was decreed on 03.10.2018. Thereafter, an appeal was preferred by the petitioner before the Lower Appellate Court to impugn the aforementioned judgment and decree dated 03.10.2018. The application in question annexed as Annexure P-3 was moved by the petitioner during pendency of the appeal even though the petitioner had been given ample opportunity to lead his evidence during the course of the trial. However, for reasons best known to the petitioner, he never moved any such application either before the Trial Court or even immediately after the institution of the appeal. Still further, the petitioner did not take any ground qua the age of the receipts in his written statement and it is only now after a lapse of four years from the date of institution of the suit he has come up with an altogether new plea which cannot be permitted at this stage as it would be highly prejudicial to the case of the respondent.

As a sequel to the above, this Court finds no reason to interfere with the impugned order. Accordingly, the instant revision petition being devoid of merit is dismissed.

28.09.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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