

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 4624 of 2022 (O&M)

Date of Decision: 21.11.2022

Bant Singh

... Petitioner(s)

Versus

Sadhu Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Balbir Kumar Saini, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. While allowing an application for permission to lead additional evidence, the trial Court has permitted the plaintiff to examine the Handwriting and Fingerprint Expert in order to compare the defendant's signatures at point "A" on the agreement to sell (Ex.P1) with the various other signatures as well as on the written statement and power of attorney. This revision petition has been filed challenging the correctness of the impugned orders dated 19.09.2022 and 14.10.2022.

2. Heard the learned counsel representing the petitioner, at length and with his able assistance, perused the paper-book.

3. A suit for possession by way of specific performance of the agreement to sell filed by the respondent herein is pending in the trial Court. When the defendant (petitioner herein) appeared in evidence, he admitted his various signatures on the agreement to sell except at point "A" (on the endorsement). Thus, the plaintiff's application for permission to lead the additional evidence has been allowed by the trial Court.

4. The learned counsel representing the petitioner submits that the evidence sought to be led is of affirmative nature, hence the application for permission to lead additional evidence was not maintainable. He further

submits that previously, an application under Section 73 and 45 of the Indian Evidence Act, 1872, for permission to examine the Handwriting and Fingerprint Expert was dismissed on 12.07.2017.

5. This Court has considered the submissions of the learned counsels representing the parties. As already noticed, the defendant while appearing in evidence, though admitted his various signatures on the agreement to sell, however, denied his signatures on the endorsement which has been marked with point “A”. In these circumstances, the plaintiff has filed an application for leading additional evidence. The scope of leading rebuttal evidence is limited. However, the scope of additional evidence is not governed by the rules of rebuttal evidence. The plaintiff filed an application immediately after this Court in a previous revision petition opined that the plaintiff’s application during the period when the defendant was leading evidence was not maintainable.

6. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned orders. Hence, the present revision petition is dismissed.

7. Needless to observe that if the petitioner wishes to lead evidence in order to counter the additional evidence, he shall be permitted by the Court to lead such evidence.

8. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

November 21, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No