

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

108

Civil Revision No.5570 of 2022
Date of Decision: 02nd December, 2022.

Girdhari Lal Jindal & another

...Petitioners

Versus

Manoj Aggarwal

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Pritam Singh Saini, Advocate,
for the revisionists-petitioners.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant petition, the petitioners-defendants (here-in-after to be referred as 'the defendants') have laid challenge to the order dated 18.11.2022 (Annexure P-6) passed by learned Civil Judge (Senior Division) Chandigarh (for short 'the trial Court') in Civil Suit No.11619 of 2013, whereby the application moved by them (defendants) for seeking permission to lead the additional evidence by examining the hand-writing expert to prove the signatures of one Jawahar Lal Jindal on the documents exhibited as D-1 to D-7, has been dismissed.

2. I have heard learned counsel for the petitioners-defendants, at the preliminary stage, in the present revision petition and have also perused the file carefully.

3. Learned counsel for the defendants contends that said Jawahar

Lal Jindal had executed the afore-mentioned documents in pursuance of a family settlement arrived at between him and the defendants but however, thereafter, he had transferred his share in the suit property in favour of the respondent-plaintiff and in these circumstances, the opinion of the hand-writing expert regarding the genuineness of the signatures of said Jawahar Lal Jindal on the above-referred documents would be necessary for the proper adjudication of the dispute between the parties but vide the impugned order, the trial Court has erroneously dismissed the afore-said application and hence, the said order is not legally sustainable and the same deserves to be set aside.

4. However, the above-raised contention is bereft of any merit because a perusal of the copies of some of the orders passed by the trial Court in the afore-said Civil Suit, reveals that on 13.09.2016, the Suit had been adjourned for the evidence of the defendants while observing that no witness on their behalf was present on that day and the trial Court has categorically observed in Para No.5 in the impugned order that the said Civil Suit is pending since 19th July, 2021 for leading rebuttal evidence, meaning thereby that the defendants had been afforded more than sufficient opportunities to lead their evidence. Throughout in their said application (Annexure P-3), they (defendants) have not come forward with any fair, candid and plausible reason/ground for not examining the hand-writing expert as their witness at the time of leading their evidence, despite the fact that the above-said documents have been placed on the record by them only. Thus, it is quite explicit that the defendants have not exercised due

diligence while leading their evidence and therefore, the trial Court has rightly dismissed their afore-mentioned application.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

02.12.2022
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*