

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**113****CR No.560 of 2024 (O&M)****Reserved on : 15.03.2024****Date of Decision : 01.04.2024**

Kamal Singh (deceased) through LRs

....Petitioners

VERSUS

Suneeta and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Tushar Gautam, Advocate for the petitioners.

ALKA SARIN, J.

1. The present revision petition has been filed by the plaintiff-petitioner challenging the order dated 28.11.2023 dismissing the application for additional evidence.

2. The plaintiff-petitioner filed a suit for specific performance and for possession qua the agreement to sell dated 07.07.2004. The stand taken by the defendant-respondents in the written statement was that defendant-respondent No.1 and mother of defendant-respondent No.2 had returned the amount of Rs.15,000/- with interest to the plaintiff-petitioner within one year on 10.08.2005 in the presence of the witnesses and a receipt was also executed in this regard in favour of defendant-respondent No.1 and mother of defendant-respondent No.2 in the presence of the witnesses. When the case was fixed for rebuttal evidence an application was filed for leading additional evidence on the ground that the defendant-respondents had produced a receipt in their evidence as Ex.D1 on which the signatures of the plaintiff-petitioner had been falsely created by the defendant-respondents as

the plaintiff-petitioner had never signed on the said receipt (Ex.D1) and, therefore, the necessity to examine a handwriting expert. The said application was dismissed vide the impugned order. Hence, the present revision petition.

3. Learned counsel for the plaintiff-petitioner would contend that the application ought to have been allowed as the plaintiff-petitioner never issued any receipt and never put his signatures on the receipt and that the signatures were forged. Learned counsel for the plaintiff-petitioner would further contend that the receipt with forged signatures has been produced by the defendant-respondents and therefore it was necessary to examine a handwriting expert. It has further been contended that the admitted signatures of the plaintiff-petitioner are available on the plaint and hence the same should have been taken and the application ought to have been allowed.

4. Heard.

5. The case is admittedly at the stage of rebuttal evidence. The plea regarding the receipt was clearly taken in the written statement. The Trial Court while dismissing the application has noticed that the application was not supported by any affidavit and that it did not mention as to which was the admitted signatures of the plaintiff-petitioner with which the questioned signatures were to be compared. A perusal of the application for leading additional evidence, which has been appended with the present petition as Annexure P-4, reveals that the same is totally bereft of any details. The application is neither verified nor supported by any affidavit.

6. In view of the above, I do not find any ground to interfere with the impugned order. There is no illegality or irregularity in the exercise of

it's jurisdiction by the Trial Court. The present revision petition being devoid of any merits is accordingly dismissed. Pending applications, if any, also stand disposed off.

01.04.2024

jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO