

2024:PHHC:039487

**134 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-1757-2024 (O&M)
Date of decision: 19.03.2024

Smt. Bala

...Petitioner

Versus

Mukesh Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Varun Sharma, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. The facts of this case poses a new challenge. The trial court has permitted the plaintiff to lead rebuttal evidence and examine handwriting and finger print expert. The plaintiff has filed a suit for possession by way of specific performance of the agreement to sell. The defendant (petitioner herein) contested the suit on the ground that she had taken a loan from the plaintiff. She denied execution of the agreement to sell. When the defendant appeared in evidence she was cross-examined by the learned counsel representing the plaintiff. She was confronted with the agreement to sell and attention of the witness was drawn to the signatures, which were denied. Thereafter, the court permitted the plaintiff to examine the handwriting and finger print expert. The aforesaid statement has already been recorded. Learned counsel representing the petitioner contends that the scope of rebuttal evidence is limited to the issues, onus whereof is on the defendant. He submits that affirmative evidence cannot be permitted to be led in rebuttal evidence.

2. This Court has considered the submissions made by the learned counsel representing the petitioner.

3. Today the position is that the report of the handwriting expert has been produced and the deposition of the handwriting expert in chief has been recorded. The petitioner has been granted an opportunity to cross-examine the handwriting and finger print expert with the help of another handwriting and finger print expert of her choice.

4. Keeping in view the aforesaid facts, the revision petition is disposed of while permitting the petitioner to lead further evidence to counter the evidence of the handwriting and finger print expert. However, it is not considered appropriate to order deletion of the evidence, which has already come on record.

5. This order has been passed without issuing notice to the plaintiff. Hence, he will have liberty to file application for recall.

6. With these observations, the revision petition is disposed of.

7. All the pending miscellaneous applications, if any, are also disposed of.

19.03.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE