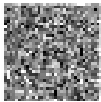


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

134

2025.PHHC-013955



CR-737-2024
Date of decision: 30.01.2025

GEETA

..Petitioner

Versus

GURDEV SINGH AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naveen Kumar, Advocate
for Mr. Anuj Balian, Advocate for the petitioner.

Mr. Sohrab Dhanda, Advocate for respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. By impugned order, the trial Court has permitted the plaintiff to examine hand writing and finger print expert in order to prove signatures of defendant No.2 on the alleged agreement to sell, however, the Court was oblivious of the fact that the case was at the stage of rebuttal evidence.
2. Two Division Bench of this Court in Surjit Singh and others Vs. Jagtar Singh and others, 2007 (1) RCR (Civil) 537 and Jagdev Singh and others Vs. Darshan Singh and others, 2007 (1) RCR (Civil) 794, have consistently held that the plaintiff can lead rebuttal evidence only with respect to issue, onus whereof is on the defendant. The plaintiff in rebuttal evidence cannot be permitted to lead affirmative evidence.
3. Keeping in view the aforesaid discussion, the revision petition is allowed. The impugned order is set aside and the trial Court is requested to pass fresh order after taking into account the law laid down by this Court in the aforesaid judgments.

January 30th, 2025
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(ANIL KSHETARPAL)
JUDGE

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