

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****134****CR-2961-2025 (O&M)****Date of decision: 19.05.2025****Ranjit Kaur****...Petitioner(s)****Vs.****Rajdeep Kaur and another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. N.S.Dadwal, Advocate for the petitioner.

NIDHI GUPTA, J.

The present civil revision petition has been filed by the petitioner/plaintiff no.1 under Article 227 of The Constitution of India for setting aside the impugned order dated 22.04.2025 (Annexure P/1) passed by Civil Judge (Jr. Division), Moga, whereby application filed by the petitioner seeking permission to lead additional evidence, was dismissed in case bearing No.CS/275/2021 titled as "Ranjit Kaur & anr Vs. Rajdeep Kaur".

2. It is *inter alia* submitted by learned counsel for the petitioner/plaintiff that the application of the petitioner to lead additional evidence in rebuttal has been wrongly dismissed as the learned trial Court failed to appreciate that the petitioner/litigant cannot be made to suffer on account of fault of the counsel. It is submitted that examination of expert by the plaintiffs in rebuttal is essential for the proper adjudication of the matter and for determining the real controversy on issue No.3. It is submitted that the learned trial Court has failed to consider that procedural



law has to be construed liberally. Once the burden to prove the pronotes and receipts was upon the defendant/respondent which included the proof of signatures of testator, the petitioner could not be denied right to rebut the same. It is contended that as the onus to prove the pronotes and receipts was upon the defendant, therefore plaintiffs had the chance to rebut the same only at the stage where the defendant had led the evidence to prove the pronotes and receipts as per statutory provisions of Order 18 Rule 3 CPC. In support, learned counsel for the petitioner relies upon judgment passed by a Coordinate Bench of this Court in **CR-296-2020** titled as ***“Baldev Raj vs. Pawan Kumar”, Neutral Citation No. 2024:PHHC:072301.***

3. It is accordingly prayed that the present revision petition be allowed; and impugned order dated 22.04.2025 (Annexure P-1) be set aside.

4. No other argument is raised on behalf of the petitioner.

5. I have heard learned counsel for the petitioner and perused the case file in great detail.

6. I find no merit in the arguments made on behalf of the petitioner. Brief facts of the case are that the petitioner and performa respondent herein/plaintiff No.2 had filed a Suit on dated 29.01.2021 (Annexure P-2) for recovery of Rs.8,44,160/- (Rs.6,72,000/- as principal and Rs.1,72,160/- as interest) from the defendant/respondent No.1 herein. The said recovery was sought by the plaintiffs on the basis of 2 pronotes and receipts dated 01.02.2018. It is admitted fact on record that the defendant



in her written statement dated Nil (Annexure P-3) had categorically denied the said pronotes and receipts dated 01.02.2018 produced by the plaintiffs. The defendant has categorically stated in para 3 of her written statement that the said documents were forged and fabricated. Despite that, the plaintiffs led no affirmative evidence in this regard. It is only during their evidence in rebuttal that the plaintiffs filed present application dated 01.04.2025 (Annexure P-4) for examining handwriting expert to rebut the handwriting expert evidence led by the defendant.

7. It is also admitted that the defendant evidence stood closed prior to filing of the present application by the petitioner. Moreover, Plaintiffs had closed their evidence without reserving their right to evidence in rebuttal. Thus, keeping in view the above said facts that:

- a) defendant in her written statement had categorically denied the signatures of her father on the pronotes and receipts dated 01.02.2018;
- b) defendant in her written statement had categorically stated the said documents to be forged and fabricated;
- c) defendant's evidence stood closed on 01.04.2025; and it is only thereafter that the petitioner filed the present application for leading evidence in rebuttal to rebut the defendant's expert evidence regarding the said pronotes and receipts,

8. I find no error in the impugned order dated 22.04.2025 (Annexure P-1). The petitioner was very well aware that the defendant had denied the said documents; and had claimed the said documents to be forged and fabricated. As such, petitioner ought to have led expert evidence



in affirmative to prove the said documents. It has been categorically observed by the learned trial Court in the impugned order that if the plaintiffs would have exercised due diligence, they would have examined handwriting expert to prove signatures of father of the defendant at the stage of defendant’s evidence in affirmative only. I am in complete agreement with the above said view taken by the learned trial Court.

9. Moreover, the petitioner can derive no benefit from the aforesaid judgment in *Baldev Raj* supra as the same is not applicable to the facts of the present case being distinguishable on facts and law.

10. The present civil revision petition is hereby **dismissed**.

11. Pending application, if any, stands disposed of.

19.05.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

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