



CR-4465-2025 (O&M)

-1-

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

(116)

CR-4465-2025 (O&M)
Date of decision:- 18.07.2025

Jagdev Singh**... Petitioner**

Versus

Labh Singh (since deceased) through his LRs**... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Mansur Ali, Advocate and
Mr. Tushaar Madaan, Advocate
for the petitioner.

SUVIR SEHGAL, J. (ORAL)

1. Assailing order dated 07.05.2025 passed by learned Civil Judge (Junior Division), Sangrur, whereby an application, Annexure P-1, for analysis of handwriting of Labh Singh-deceased from an expert, has been declined, petitioner-plaintiff has approached this Court by way of instant revision petition.
2. Counsel for the petitioner submits that the dispute between the parties pertains to a pronote and receipt dated 25.07.2016 executed by Labh Singh (since deceased) in favour of the plaintiff. He states that the legal heirs of Labh Singh are contesting the suit and have denied the signatures of the deceased. Counsel urges that in another suit filed on the basis of the same pronote, the legal heirs of Labh Singh have admitted his signatures. Counsel asserts that the plaintiff wants to get an opinion of a handwriting expert with regard to the signatures of the deceased on the pronote and receipt, which form

**CR-4465-2025 (O&M)****-2-**

part of civil suit bearing No.638 of 2018 titled as “*Jasvir Singh Versus Gursewak Singh and others*”, decided on 12.01.2024. He has requested that signatures be permitted to be compared by Dr. Inderjit Singh, a forensic expert, for his opinion. Counsel contends that the Trial Court has failed to notice provision of Order VII Rule 14(3), CPC and has erred in declining the application.

3. I have heard counsel for the petitioner and considered his submission, besides examining the documents appended with the instant revision petition.

4. Plaintiff has filed a suit for recovery of Rs.7,32,500/-, along with interest, averring that Labh Singh (now deceased) borrowed money, in cash, and assured its repayment along with interest. It has been pleaded that Labh Singh had executed a pronote and a receipt in favour of the plaintiff in token of the loan in the presence of two witnesses. Suit is being contested by the defendants, who are the legal representatives of Labh Singh, by filing a written statement, wherein they have denied the loan as well as the execution of the pronote and other documents by the deceased. A stand has been taken by them that both the documents have forged and fabricated. On the basis of the pleadings of the parties, Trial Court framed the following issues on 19.09.2019, which are reproduced hereunder:-

“(1) Whether the plaintiff is entitled to recover the amount of Rs.5,30,000/-as principle amount from the defendant on the basis of pronote and receipt dated 25.07.2016? OPP

(2) If the issue no. 1 is proved whether the plaintiff is entitled to recover the interest amount, if so, at what rate? OPP

(3) Whether the pronote and receipt dated 25.07.2016 is forged and fabricated document? OPD



(4) Whether the suit of the plaintiff is not maintainable in the present form? OPD

(5) Whether the plaintiff has no cause of action and locus standi to file the present suit? OPD

(6) Relief.”

5. After producing some witnesses and documents, plaintiff closed his evidence on 19.11.2024 and the evidence of the defendant was closed on a statement of the defendant on 10.03.2025. The proceedings were deferred for rebuttal evidence when application, Annexure P-1, was filed by the plaintiff seeking permission for comparison of signatures of the deceased and for the opinion of an expert. After contest, this application has been declined by the Trial Court vide the impugned order.

6. A perusal of the above reproduced issues show that the onus of establishing as to whether the plaintiff is entitled to recover the amount on the basis of pronote and receipt is on the plaintiff. Plaintiff had ample opportunities spread over a period of five years to produce ocular and documentary evidence. He closed his evidence on 19.11.2024 without reserving any right to lead evidence in rebuttal. Order 18 Rule 3, CPC provides that a party beginning its evidence, may, at his option, either produce his evidence on the issues or reserve his right to produce evidence by way of in answer to the evidence produced by defendant. After having closed his evidence in affirmative and without reserving any right to produce it in rebuttal, plaintiff is debarred from moving any application for production of evidence at the stage of rebuttal.

7. Interpreting the statutory provision, a Division Bench of this Court in *Surjit Singh and others Versus Jagtar Singh and others, 2007 (1) PLR 552,*



has held that Order 18 Rule 3, CPC does not give a right to the plaintiff to lead evidence in rebuttal on issues in which the onus of proof is upon him. Similar view has been taken by another Division Bench in Jagdev Singh and others Versus Darshan Singh and others, 2007 (1) R.C.R. (Civil) 794. In Avtar Singh and another Versus Baldev Singh and others, 2015 (1) PLR 230, it has been observed that the plaintiff has the option to lead his entire evidence on all the issues, and in case, he intends to lead rebuttal evidence or answer the evidence that is led by the defendant, as regards the issues the onus of which is upon the defendant, he shall have to reserve his right. However, in the present case, as is clear from the above, plaintiff closed his evidence in the affirmative, but did not reserve any right to lead evidence in rebuttal. Reliance placed by petitioner on Order 7 Rule 14(3), CPC is misplaced and it does not apply to the present situation. Under the garb of application, Annexure P-2, plaintiff cannot be permitted to lead evidence in rebuttal, which is debarred under Order 18, Rule 3, CPC. This Court does not find any illegality or perversity in the impugned order passed by the Trial Court. No interference is called for in exercise of supervisory power.

8. There is no merit in the revision petition, which is dismissed with no order as to costs.

9. Pending application is disposed of.

(SUVIR SEHGAL)
JUDGE

18.07.2025
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No