



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

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CR-5557-2025

Date of decision :20.08.2025

JUGRAJ SINGH**... PETITIONER****VERSUS****MANPREET KAUR AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Amit Arora, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. The present revision petition has been preferred by the plaintiff-petitioner, being aggrieved by the dismissal of his application vide order dated 19.07.2025 (Annexure P-13) passed by Additional Civil Judge (Senior Division), Patti.

2. The petitioner had filed an application under Section 151 of CPC seeking permission to examine the handwriting and fingerprint expert for the purpose of comparing the signature of Kulwant Singh, son of Sadha Singh, as appearing on the agreement to sell dated 28.07.2009, with his admitted/tendered signature on the opening-sheet of bank account of Kulwant Singh dated 19.07.2007 with Punjab National Bank, original registered mortgage-deed dated 21.03.2007, original application form for Agriculture Credit, original PNB Krishi Card No. 950186 as well as personal bond dated 03.03.2007 and statement given in Court of Sh. Mahesh Grover, JMIC, Patti, in connection with the receipt of challan in FIR No. 65/2006 dated 09.10.2006 registered under Sections 325, 323,



148 and 149 IPC. He has further sought the following documents to be adduced in his evidence by way of his application under Section 151 of CPC.:-

- (i) *“Certified copy of Jamabandi for the year 2010-11, 2015-16 and 2020-21 of Village Mianwal.*
- (ii) *Certified copy of Jamabandi for the year 2006-07, 2016-17 and 2021-22 of Village Chack Ladh a*
- (iii) *Fard Haqiat for the year 2021-22 of Vill. Chak Ladhe and for the year 2020-21 of village Mianwal on the name of Jagtar Singh son Sadha Singh father of the plaintiff*
- (iv) *Photocopy of pronote and receipt pronote dated 23/01/2009 and 16/02/2009 respectively*
- (v) *Notary attested copy of License bearing no.255/97 of Stamp vendor namely Sukhdev Singh son of Harbans Singh resident of Gali Balmik Mandir Wali, Noordi Bazar Tarn Taran Tehsil and District Tarn Taran and original online downloaded copy of renewal, dated 03/04/2025 of Stamp Vendor License of above said Sukhdev Singh and notary attested copy of affidavit dated 14/12/2010 of typist Sukhdev Singh son of Harbans Singh resident of Gali Balmik Mandir Wali, Noordi Bazar Tarn Taran Tehsil and District Tarn Taran regarding lost of his registers of entry regarding selling of stamp papers and others*
- (vi) *Original agreement dated 14/09/2011 executed by Manpreet Kaur (now deceased) in favour of Jugraj Singh plaintiff regarding selling of residential house situated at Village Khemkaran Tehsil Patti District Tarn Taran*
- (vii) *Certified copy of registered sale deed dated 31/10/1996 executed by Tarsem Singh son of Gurdial Singh son of Samund Singh and others residents of Village Mugalchak Pannuan in favour of Gurmeet Kaur wife of Bachittar Singh son of Surta Singh R/o Village Dial Rajputan regarding residential house constructed on 9 Marlas situated within Abadi Noordi Adda Tarn Taran District Tarn Taran*
- (viii) *Photocopy of agreement to sell dated 04/04/2012 excited*



Jagtar Singh son of Sadha Singh father of the plaintiff in favour of Mehal Singh, Jarnail Singh both sons of Darshan Singh son of Chanan Singh R/o Village Khemkaran Tehsil Patti District Tarn Taran regarding land measuring 3 Marlas in which residential house was constructed situated within Abadi Ward No.10, Khemkaran Sub Tehsil Khemkaran District Tarn Taran

- (ix) *Certified copy of registered Sale deed dated 31/10/2012 executed by Jagtar Singh son of Sadha Singh father of the plaintiff in favour of Ranjit Kaur wife of Jarnail Singh son of Darshan Singh and Raj Kaur wife of Mehal Singh son of Darshan Singh both residents of Village Khemkaran Tehsil Patti District Tarn Taran regarding the above said residential house measuring 3 Marlas situated within Abadi Ward No.10, Khemkaran Sub Tehsil Khemkaran District Tam Taran”*

3. The said application was dismissed vide impugned order dated 19.07.2025 (Annexure P-13).

4. I have heard the learned counsel for the petitioner at length.

5. In order to examine the validity of the impugned order, it is necessary to take note of the facts relevant to the present case. The following facts are clearly made out from the petition filed by petitioner:

- (i) Petitioner-plaintiff had filed a suit for specific performance of an agreement to sell in the year 2009.
- (ii) Issues were framed in the matter on 12.07.2019.
- (iii) Thereafter, five witnesses were examined on behalf of the plaintiff.
- (iv) Plaintiff-petitioner filed an application dated 23.03.2023 for permission to examine a handwriting expert.
- (v) The said application was allowed vide order dated 29.03.2023. In pursuance thereof, three effective opportunities were granted to



the plaintiff to adduce the handwriting expert in evidence. The matter was taken-up on 10.04.2023 for examination of the handwriting expert, however, expert was not examined. The matter was adjourned to 27.04.2023, but again the handwriting expert was not examined, through he appeared and took photographs of the disputed signatures. The matter was then listed for 07.05.2023. On that date, a new counsel appeared on behalf of the plaintiff and sought an adjournment without examining the handwriting expert.

(vi) Although the handwriting expert was present in Court on 27.04.2023 and took photographs, no examination-in-chief or deposition was recorded on either 10.04.2023 or 27.04.2023 or on 07.05.2023.

(vii) On 07.05.2023 the learned Court of first instance duly took note of the fact that the plaintiff had already availed more than thirty (30) opportunities to conclude his evidence prior to the passing of the order dated 29.03.2023, whereby he was granted three additional effective opportunities specifically for examining the handwriting and fingerprint expert. However, despite the said indulgence, the handwriting expert was not examined during these three opportunities, although other witnesses were examined. Nonetheless, taking a lenient view, the learned Trial Court granted one final opportunity and matter was adjourned to 24.05.2023.

(viii) That on 24.05.2023, being the fourth and final effective opportunity granted to the plaintiff, no handwriting expert was examined by the plaintiff. Accordingly, evidence of plaintiff was closed vide order dated 24.05.2023.

(ix) The plaintiff thereafter filed an application seeking review/recall of the order dated 11.08.2023; however, the said application for review was dismissed.

(x) The plaintiff had preferred Civil Revision No. 4958 of 2023 challenging orders dated 24.05.2023 and 11.08.2023. Vide order dated 29.08.2023, this Court allowed plaintiff-petitioner to lead evidence of the handwriting expert, subject to the payment as costs amounting to Rs. 25,000/-. This Court further directed that the



plaintiff shall file the report of the handwriting expert within one week, whereafter the Trial Court was to fix a date for the examination of the handwriting expert within the following two weeks. It was also ordered that cross-examination of the handwriting expert shall be concluded on the same day. However, the plaintiff had failed to deposit/pay the cost of Rs. 25,000/-, as directed by this Court and to file report of handwriting expert.

(xi) The plaintiff-petitioner had filed CM-18601-C-II of 2023 in C.R. No. 4958 of 2023 for enlargement of time granted to plaintiff vide order dated 29.08.2023. However, said civil miscellaneous application was withdrawn by the plaintiff after arguments, the same was disposed of vide order dated 09.10.2023.

(xii) Due to non-compliance with the conditions stipulated in the order dated 29.08.2023, the evidence of petitioner was closed and thereafter defendants had led their evidence, which was ultimately concluded/closed vide order dated 26.11.2024.

(xiii) On 28.04.2025, when the case was fixed for rebuttal evidence, plaintiff-petitioner filed the present application, not only seeking permission for the examination of the handwriting expert, but also to lead other evidence on record. However, the said application was dismissed vide impugned order dated 29.07.2025, which is under challenge in the present revision petition.

6. Learned counsel for the petitioner has argued that in rebuttal evidence, the petitioner has right to examine handwriting expert and, therefore, learned Trial Court has erred in dismissing application preferred by the petitioner.

7. On consideration, I do not find any merit in the contentions raised on behalf of the petitioner. The present revision petition appears to be a blatant misuse of the process of law.

8. From the conduct of plaintiff-petitioner, as noted herein above, it is evident that he is more interested in delaying the proceedings rather than



diligently prosecuting the suit, which has been pending for the last 16 years since 2009.

9. Admittedly, in the present case, issues were framed on 12.07.2009, and one of the issues framed is “**whether plaintiff is entitled to the relief of possession by way of specific performance of agreement to sell dated 28.07.2019? OPP**”. The onus of proof for this issue was clearly placed upon the plaintiff. Therefore, it was the duty of plaintiff-petitioner is to lead evidence in affirmative, in order to discharge onus cast upon him by proving the due execution of the agreement to sell dated 28.07.2009. The onus so placed could not have been discharged by leading rebuttal evidence. The issue onus of proof of which is upon plaintiff cannot be discharged by leading evidence in rebuttal. Rebuttal can only be given to evidence of defendant which he had led in pursuance of onus which lies upon defendant. Therefore, the claim of the plaintiff-petitioner that he is entitled to lead evidence in rebuttal, is without any merit.

10. Faced with the above conclusion, learned counsel for the petitioner asserted that his application under Section 151 of CPC be treated as application for leading additional evidence. Again, I do not find any merit in the contention of the petitioner. The conduct of the plaintiff-petitioner does not entitle him to lead additional evidence, particularly when an earlier application for leading additional evidence was allowed, due opportunities were granted, which were not availed. Plaintiff had preferred revision petition wherein again he was granted opportunity subjected to payment of costs and despite getting multiple opportunities not only by Court of first instance but also by this Court, plaintiff-petitioner had chosen not to avail those opportunities granted to him. Once plaintiff has already exhausted all his chances to lead evidence, the second



application for additional evidence for leading the same evidence which plaintiff had failed to lead, despite sufficient opportunities is not maintainable.

11. The learned Court of first instance has rightly rejected the attempt of petitioner-plaintiff to delay the proceedings of the suit by filing a frivolous application under the guise of seeking to lead additional evidence in rebuttal.

12. Petitioner-plaintiff has also made reference to certain documents, which he purportedly intended to produce by way of additional evidence in rebuttal and stated that the application was not merely for handwriting expert but also for other documents and, therefore, that ought to have been allowed. However, the contention of petitioner in this regard is totally misplaced. Petitioner was free to lead his evidence when he had more than thirty four opportunities to do so as well as when he had moved first application for additional evidence, which was allowed and even after orders of this Court granting opportunity, petitioner had not sought to lead these documents in his evidence.

13. Moreover, a perusal of the application preferred by the petitioner-plaintiff clearly reveals that he has not disclosed the relevancy of the documents now sought to be adduced. The petitioner has also failed to explain as to why plaintiff could not produce these documents, despite having as many as 34 opportunities, during the course of proceedings. Further, the petitioner-plaintiff has not given any justification for not examining the material being sought now. It is well settled that the evidence must be relevant as per Section 5 of the Indian Evidence Act, 1872 (now Section 3 of the Bharatiya Sakshya Adhiniyam, 2023).

14. Only relevant facts can be adduced in evidence. Unless relevancy of documents/evidence sought is shown, no evidence can be permitted to be adduced in evidence. Documents being sought to be adduced in evidence cannot be placed



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on record unless relevancy of documents mentioned at Serial Nos. 1 to 9 in his application filed under Section 151 CPC is shown/disclosed.

15. Even before this Court, learned counsel for the petitioner has failed to disclose need of documents sought to be adduced in additional evidence in rebuttal by showing their relevancy in suit for specific performance. The purported list of documents appears to be an attempt to camouflage the primary application for examination of the handwriting expert, which has not been produced despite being granted ample opportunities.

16. Allowing the present application for additional evidence at this stage would, in effect, amount to review of the order passed by this Court on 29.08.2023, which is not permissible.

17. Accordingly, the application was rightly dismissed by the learned Trial Court. No grounds for interference with the impugned order is made out.

18. The revision petition is, therefore, dismissed.

20.08.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No