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

CR-6540-2024 (O&M)

Date of Decision : 21.01.2025

Amarjit Kaur

... Petitioner(s)

Versus

Jarnail Singh

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Lupil Gupta, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the impugned order dated 11.10.2024 whereby the application filed by the plaintiff-petitioner to lead additional evidence has been dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-petitioner herein filed a suit for recovery of ₹3,35,100/- i.e. ₹3,00,000/- as principal and ₹35,100/- as interest @ 18% per month for the period of 24.01.2018 to 18.09.2018 alongwith interest pendente lite and future interest @ 18% per month from the date of filing of the suit till realization on the basis of a writing dated 24.01.2018. It was the case set up by the plaintiff-petitioner that the defendant-respondent had borrowed a sum of ₹3,00,000/- in cash at Maur Mandi, Tehsil Maur, District Bathinda. In the written statement filed by the defendant-respondent a specific stand was taken that the writing dated 24.01.2018 was false, forged, fabricated and without consideration. It was further the stand taken that the defendant-respondent

always put his thumb-impressions on documents and that the alleged signatures on the said document were not those of the defendant-respondent. After both the sides had led their evidence, the plaintiff-petitioner herein filed an application for summoning in rebuttal evidence the same very witnesses as have been sought to be summoned by way of the present application for additional evidence. The said application was dismissed on 19.07.2024 on the ground that denial of the signatures by the defendant-respondent was already in the knowledge of the plaintiff-petitioner at the commencement of the trial and the evidence was to be led in the affirmative. Subsequently, the present application was filed for leading additional evidence to examine the record keeper. Reply was filed to the said application. Vide the impugned order the present application was dismissed. Hence, the present revision petition.

3. Learned counsel for the plaintiff-petitioner would contend that the plaintiff-petitioner came to know that in a partition suit the defendant-respondent had appended his signatures and that he is a literate person, as such the plaintiff-petitioner wanted to produce the record of the said partition suit in order to show that the defendant-respondent is a literate person and that the stand taken by him in the written statement is incorrect.

4. I have heard the learned counsel for the plaintiff-petitioner.

5. In the present case, at the stage of rebuttal evidence, an application was filed by the plaintiff-petitioner for leading rebuttal evidence for proving the same very record as has been sought to be led as additional evidence. The said application was dismissed as the evidence sought to be led was to be led in the affirmative. The defendant-respondent having denied

his signatures on the writing dated 24.01.2018, it was incumbent on the plaintiff-petitioner to have led the said evidence in the affirmative. After the dismissal of the application to lead evidence in rebuttal, the present application was filed. A perusal of the present application nowhere mentions the date as to when the said fact came to the knowledge of the plaintiff-petitioner. It is nowhere even stated that the said evidence could not be led despite exercise of due diligence. Even today the learned counsel for the plaintiff-petitioner is unable to state as to when the partition proceedings, which were decided on 13.06.2017, came to the notice of the plaintiff-petitioner which is prior to the filing of the present civil suit.

6. In view of the above, I do not find any merit in the present revision petition. The present petition being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

21.01.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO