

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

CR-9049-2025 (O&M)**Date of decision: 15.12.2025****Partap Singh**

. . . . Petitioner

Vs.**Randhir Singh**

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Abhinav Sood, Advocate, for the petitioner.

DEEPAK GUPTA, J. (ORAL)**CM-25400-CI-2025**

1. Application is allowed.
2. Annexure P9 is taken on record.

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3. By way of the present petition, challenge has been laid to the order dated 19.11.2025 (Annexure P-6) passed by the learned Additional Civil Judge (Senior Division), Mohindergarh, whereby the application moved by the petitioner seeking permission to examine a second handwriting and fingerprint expert in rebuttal evidence was dismissed.

4. Petitioner herein is the plaintiff in Civil Suit bearing CIS No. CS-811-2016 titled "*Partap Singh Vs. Randhir Singh*", filed for recovery of a sum of ₹1,70,000/- on the basis of a pronote and receipt dated 22.09.2013. In the written statement, the defendant specifically denied the execution of the pronote and receipt and pleaded that the same were forged. Issues were framed on 25.01.2017, placing the onus squarely upon the plaintiff-petitioner to prove his entitlement to recover the said amount along with pendente lite and future interest.

5. A perusal of the impugned order reveals that after availing several opportunities, the petitioner-plaintiff closed his evidence on 19.07.2017 by way of a statement made through counsel. The defendant thereafter led his evidence and closed the same on 31.10.2019. The case was

then fixed for rebuttal evidence, if any, and thereafter for arguments. It was at this belated stage, on 21.11.2022, that the petitioner moved an application seeking permission to examine a handwriting and fingerprint expert in rebuttal, which application has been declined by the learned trial Court.

6. Assailing the above order, learned counsel for the petitioner contends that since the defendant-respondent, in the course of his evidence, examined a handwriting and fingerprint expert, who opined against the genuineness of the defendant's signatures on the pronote and receipt, it became necessary for the petitioner to examine an expert in rebuttal to counter the said evidence.

7. The contention is devoid of merit.

8. As rightly observed by the learned trial Court, the suit for recovery is founded upon the pronote and receipt, and the burden to prove their due execution and genuineness always lay upon the plaintiff. The denial of signatures by the defendant was not a subsequent development but a specific and categorical plea taken in the written statement from the very inception of the suit. The petitioner was, therefore, fully aware of the nature of the defence and the issues in controversy and was expected to lead all necessary affirmative evidence, including expert evidence, during his own evidence.

9. Rebuttal evidence is confined to meeting the case set up by the opposite party and cannot be permitted to fill up lacunae or to introduce evidence, which ought to have been produced in the affirmative. Evidence by way of handwriting and fingerprint expert, in the facts of the present case, squarely pertains to discharge of the initial burden cast upon the plaintiff and cannot be allowed to be introduced at the stage of rebuttal merely because the defendant has succeeded in producing evidence favourable to his defence.

10. Permitting such a course would amount to reopening the plaintiff's evidence after an inordinate delay and would defeat the settled principles governing the scope of rebuttal evidence, besides causing serious



prejudice to the defendant and undermining the discipline of trial proceedings.

11. In view of the above, this Court does not find any illegality, perversity, or material irregularity in the impugned order so as to warrant interference under the supervisory jurisdiction of this Court.

12. As such, finding no merit in the present petition, the same is accordingly dismissed.

13. It may be added here that after dictation and pronouncement of the order, learned counsel for the petitioner prayed for adjournment on the ground that the Bar had suspended work. Once the matter had been heard and the order stood dictated and pronounced, no justification exists to entertain such a request. The same is, therefore, rejected.

15.12.2025
Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>