



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

**CR-9546-2025
DECIDED ON: 12.01.2026**

GURSAHIB SINGH

.....PETITIONER

VERSUS

**MAAN SINGH (SINCE DECEASED) THROUGH
HIS LRS AND ORS.**

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Ms. Komalpreet Kaur, Advocate (through hybrid mode)
for the petitioner.

MANDEEP PANNU, J (ORAL)

1. The present civil revision petition has been filed by the petitioner–plaintiff No.2 under Article 227 of the Constitution of India assailing the order dated 02.12.2025 passed by the learned Civil Judge (Junior Division), Amritsar, whereby the application moved by the petitioner under Section 151 CPC seeking permission to take photographs of the alleged signatures of Pardhuman Singh on the agreement to sell dated 15.09.2014 for the purpose of comparison with his specimen signatures appearing on a registered Will dated 02.03.2015, was dismissed.

2. By way of the application under Section 151 CPC, the petitioner–plaintiff sought permission to take photographs of the alleged signatures of Pardhuman Singh appearing on the agreement to sell dated 15.09.2014 for the purpose of comparison with his specimen signatures

available on a registered Will dated 02.03.2015 through a handwriting and fingerprint expert. It was pleaded that the defendants had denied the execution of the agreement to sell as well as the signatures of the marginal witness and, therefore, such comparison was necessary for the just and proper adjudication of the suit.

3. The defendants, by filing a detailed reply, opposed the application contending that the same was not maintainable in law as the plaintiffs had already concluded their affirmative evidence and the defendants had also closed their evidence. It was specifically pleaded that the application was a belated attempt to fill up the lacunae left by the plaintiffs, that the Will dated 02.03.2015 was itself under challenge in separate proceedings and was not part of the record of the present suit, and that permitting such evidence at the rebuttal stage would seriously prejudice the rights of the defendants.

4. The learned Trial Court, after hearing the parties and perusing the record, dismissed the application primarily on the grounds that the plaintiffs had already led their entire evidence in affirmative and the defendants had also concluded their evidence. It was observed that the application was moved at a belated stage, i.e. during rebuttal evidence, and was clearly intended to fill up the lacunae left by the plaintiffs while leading their affirmative evidence. The Trial Court further held that the document sought to be relied upon for comparison i.e. the Will dated 02.03.2015, was already under challenge in separate proceedings and was not part of the record of the present suit. It was also found that permitting such exercise at this stage would seriously prejudice the rights of the opposite party.

Consequently, the application was held to be devoid of merit and was dismissed.

5. Since the short controversy is involved in the present revision petition, no notice is required to be issued to the respondents.

6. I have heard learned counsel for the petitioner. The core issue which arises for consideration in the present revision petition is whether the plaintiffs were entitled to lead the proposed evidence by way of rebuttal, or whether such evidence ought to have been produced during the stage of affirmative evidence. It is not in dispute that the plaintiffs had full knowledge of the denial of execution of the agreement to sell as well as the signatures of the alleged marginal witness from the very inception of the pleadings. Despite this, the plaintiffs chose to conclude their affirmative evidence without seeking comparison of the signatures in question.

7. Rebuttal evidence is not meant to provide a second opportunity to a party to fill gaps or omissions in its primary evidence, but is confined only to meeting the evidence led by the opposite party. In the present case, the nature of evidence sought to be produced squarely pertains to the plaintiffs' own burden and foundational case, which ought to have been discharged in affirmative. The belated attempt to introduce such evidence at the rebuttal stage clearly amounts to an impermissible endeavour to fill lacunae, and the learned Trial Court has rightly declined the same.

8. This Court does not find any illegality, material irregularity or failure of justice in the impugned order dated 02.12.2025. The impugned order does not call for interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

9. Accordingly, the present revision petition is dismissed.

10. All pending miscellaneous application(s), if any, stands disposed of.

12.01.2026

Poonam Negi

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No