



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

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CR-4297-2025 (O&M)

Date of Decision.:16.07.2025

Pawan Kumar

.....Petitioner

Vs.

Radha Krishan

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Anu Garg, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Article 227 of the Constitution of India, petitioner challenges order dated 16.12.2024 (*Annexure P-1*) passed by learned Civil Judge (Senior Division), Charkhi Dadri in civil suit bearing No.CS/321/2018, whereby his application under Order XVIII Rule 17A CPC for production of additional evidence (*Annexure P-3*) was dismissed.

2. Petitioner had filed suit for recovery of ₹1,48,000/- against the respondent submitting that defendant i.e. respondent herein had executed a writing in this regard. Defendant denied his signature on the writing. Issues were framed. Even during the evidence of the plaintiff, suggestion was given to him to the effect that the writing in question did not contain the signature of the defendant.

3. Learned counsel contends that evidence of the petitioner was closed by Court order and when the case was at the stage of rebuttal evidence/arguments, he moved application (*Annexure P-3*) seeking permission to examine handwriting & fingerprint expert to compare the



signature of defendant on the writing, which was essential in the interest of justice but the same has been wrongly declined.

4. After considering submissions of learned counsel for the petitioner and having gone through the paper-book, this Court does not find merit in the petition.

5. Perusal of the paper-book would reveal that plaintiff appeared in the witness-box on 03.10.2023 as per (Annexure P-4). As he did not produce any other evidence on that day, matter was adjourned to 05.12.2023 for his remaining evidence subject to ₹500/- as cost to be deposited in DLSA. Last opportunity was granted to him. On the adjourned date, plaintiff neither paid the cost nor produced any evidence. Still the matter was adjourned to 14.08.2024 for evidence of the plaintiff subject to additional cost of ₹200/- i.e. on payment of total cost of ₹700/-. On the adjourned date of 14.08.2024, plaintiff again failed to pay the cost and also did not adduce any evidence despite last opportunity and it is in these circumstances that his evidence was closed.

6. As observed by the trial Court in the impugned order that after closure of the evidence by the defendant, the plaintiff- petitioner moved the application for production of additional evidence.

7. It is conceded by learned counsel for the petitioner that since beginning the stand of the respondent- defendant was denial of his signature on the writing in question. As such, onus was upon the plaintiff to prove the writing in his affirmative evidence. As noted above, he did not conclude the evidence at his own despite granting last opportunities subject to cost. He did not even pay the costs. In these facts and circumstances, the trial Court was justified in declining his application for examining any hand writing expert in additional evidence, when defendant



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had already closed his evidence. It may also be noted here itself that Order XVIII Rule 17A CPC, which is being referred by learned counsel for the petitioner, has already been deleted in 2002.

7. On account of entire discussion as above, this Court does not find any illegality in the impugned order. Therefore, the present revision is hereby dismissed.

All the miscellaneous application(s), if any, stand disposed of.

(DEEPAK GUPTA)
JUDGE

July 16, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No