



**CR-1941-2023 (O&M)**  
**CR-2009-2023 (O&M)**

**Sr.No.120 (2 cases)**

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

**Date of Decision :13.02.2025**

**1) C.R. No.1941 of 2023 (O&M)**

**Kesar Singh**

**...Petitioner**

**Versus**

**Gurjit Singh**

**...Respondent**

**2) C.R. No.2009 of 2023 (O&M)**

**Kesar Singh**

**...Petitioner**

**Versus**

**M/s Dhanoa Traders**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

**Present:-** Mr. Nikhil Chopra, Advocate  
for the petitioner.

Mr. Arihant Jain, Advocate with  
Mr. Kanish Jindal, Advocate  
for the respondent in both cases.

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**PANKAJ JAIN, J. (ORAL)**

Defendant is in revision aggrieved of order dated 21.02.2023  
(Annexure P-5), whereby respondent/plaintiff(s) have been permitted to  
examine Document and Fingerprint Expert in rebuttal evidence. For



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convenience, the parties are being referred to by their original position in the suit i.e. the petitioner as defendant and respondent as plaintiff(s). For the sake of brevity, facts are being extracted from revision bearing CR No.1941 of 2023.

2. Plaintiff-Gurjit Singh filed suit for specific performance of Agreement to Sell dated 05.06.2014 claiming to have been executed by defendant in his favour to sell suit land. Plaintiff – M/s Dhanoa Traders filed suit for recovery of Rs.17,63,622/- along with interest. Suit was contested by petitioner/defendant denying execution of Agreement to Sell dated 05.06.2014. It was claimed by defendant that there is a fiduciary relationship between the plaintiff-firm through its partner/proprietor Inderjit Dhanoa and the defendant, wherein the defendant used to sell his crops. Proprietor of the firm Inderjit Dhanoa has misused stamp papers signed by defendant. Plaintiff -Gurjit Singh being a close associate of Inderjit Dhanoa has filed present suit at his behest propounding agreement to sell after misusing the blank stamp papers which were signed by the defendant. Inderjit Dhanoa has also filed suit for recovery on false grounds as mentioned above.

2.1. Trial Court vide order dated 19.01.2018 put the suit to trial framing following issues:-

- “1. *Whether the plaintiff had been ready and willing to perform his part of agreement to sell dated 05.06.2014?*  
*OPP*



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2. *If issue No.1 is proved in the affirmative, whether the plaintiff is entitled for the grant of decree for possession by way of specific performance on the basis of above agreement to sell? OPP*
3. *If issue No.2 has been decided in the negative, whether the plaintiff is entitled to alternative relief of recovery as prayed for? OPP*
4. *Whether the plaintiff is entitled to the relief of permanent injunction as prayed for? OPP*
5. *Whether the suit is not maintainable? OPD*
6. *Whether plaintiff has no cause of action and locus standi to file the present suit? OPD*
7. *Whether the plaintiff has concealed true and material facts from the Court and has not come to the Court with clean hands? OPD*
8. *Relief.*

2.2. Onus to prove issue Nos.1 to 4 was placed upon plaintiff. Onus to prove issue Nos.5 to 7 was placed upon defendant. It is matter of record that the plaintiff closed his evidence in affirmative on 29.10.2018. After defendant closed his evidence, the matter was fixed for rebuttal evidence. At this stage, the plaintiff moved instant application seeking permission to lead evidence in rebuttal and sought permission to examine Handwriting and Fingerprint Expert. The application was opposed by the defendant claiming that plaintiff was required to prove execution of agreement to sell. Onus was upon him to prove valid execution thereof. Plaintiff failed to examine Handwriting and Fingerprint Expert in affirmative evidence. He cannot be



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allowed to examine Document and Fingerprint Expert in rebuttal or by way of additional evidence.

2.3. The said application filed by plaintiff seeking permission to examine Document and Fingerprint Expert has been allowed vide impugned order.

3. Counsel for the petitioner/defendant, while assailing the impugned order, submits that plaintiff having approached Court propounding agreement to sell, was required to prove execution thereof by leading cogent evidence. He failed to examine Fingerprint Expert in affirmative evidence. Defendant/petitioner examined Fingerprint Expert in his evidence. To rebut the same, present application has been moved. The onus being upon the plaintiff to prove execution of agreement to sell, he cannot be allowed to examine Handwriting and Fingerprint Expert in rebuttal.

4. *Per contra*, counsel for the respondent/plaintiff(s) submits that so far as signatures of defendant on agreement to sell are concerned, the same are not disputed. To prove execution of the agreement to sell, plaintiff in affirmative evidence examined attesting witness. Since it was the defendant who claimed that agreement to sell was executed on the blank papers, initial onus was on the defendant to prove the same. It is in these circumstances that onus to prove issue Nos.5 to 7 was fixed upon defendant. Plaintiff at the time of closing evidence, closed evidence in affirmative and thus in terms of provisions as contained under Order XVIII Rule 3 CPC, the



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plaintiff is within his right to examine Handwriting and Fingerprint Expert in rebuttal, even though application was moved to examine Document and Fingerprint Expert by way of additional evidence.

5. I have heard counsel for the parties and have carefully gone through records of the case.

6. Before adverting to the factual merits of the case, it will be apt to peruse bare provision of law and the binding precedents. Order XVIII CPC deals with hearing of the suit and examination of witnesses. In terms of Order XVIII Rule 1 CPC, generally plaintiff has the right to begin. Order XVIII Rule 3 CPC deals with the situation where there are several issues which reads as under:-

*“3. Evidence where several issues.—Where there are several issues, the burden of proving some of which lies on the other party, the party beginning may, at his option, either produce his evidence on those issues or reserve it by way of answer to the evidence produced by the other party; and, in the latter case, the party beginning may produce evidence on those issues after the other party has produced all his evidence, and the other party may then reply specially on the evidence so produced by the party beginning; but the party beginning will then be entitled to reply generally on the whole case.”*

7. The aforesaid provision came up for consideration in the matter of ***National Fertilizers Ltd., Bhatinda vs. Municipal Committee, Bhatinda and another, 1982 AIR (P&H) 432***, wherein the Single Bench of this Court observed as under:-



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10. *From a perusal of the rule it is clear that in case the burden of proving some of the issues lies on the defendant; the plaintiff while starting his evidence may lead the same on all the issues, including those the burden of which is on the defendant or reserve his right to lead evidence on the issues the burden of which is on the defendant after the latter has produced his evidence. However, the plaintiff did not reserve his right to do so. No practice, as referred to by the learned counsel can be taken notice of in a revision petition.*

11. *I have also gone through the issues carefully the burden of which is on the defendants. The learned counsel for the petitioner has also not been able to show that any of such issues required any evidence in rebuttal.*

12. *Faced with that situation, the learned counsel for the petitioner has urged that the petitioner should be given an opportunity to lead additional evidence. He made a reference to Kaviraj Ganpat Lal Sindhwani v. Om Parkash [(1975) P.L.R. D. 10.] .*

13. *I am not impressed with this contention of the learned counsel as well. In case he wants to lead additional evidence, he should make an applications before the trial Court which will decide that on merits. He cannot be allowed to contend in this revision petition that he should be given an opportunity to lead additional evidence. The facts of Kaviraj Ganpat Lal Sindhwani's case (supra) are different. In that case, the plaintiff had Reserved his right to lead rebuttal in the application while summoning the witnesses. However, he was not allowed to lead rebuttal evidence. Therefore, the ratio in that case will not a ply*



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*to the present case. Accordingly. I do not find any merit in Civil Revision No. 1406 of 1981.*

*14. As regards Civil Revision No. 1696 of 1981, the learned counsel for the petitioner has tried to make an additional point, that when the petitioner was producing evidence on issues the burden of which lay on it, the court, vide its order dated 8th January, 1981, closed its evidence. He urges that the petitioner itself did not close the evidence and, therefore, it was entitled to lead evidence in rebuttal.*

*15. I have considered the argument but find it without any substance. The order closing the evidence of the petitioner amounts to closing its evidence in affirmative as well as in rebuttal. In case it was aggrieved against that order, it could have come up in revision to this Court. After the respondent has led evidence, it cannot be said that the order amounts to closure of the evidence of the petitioner in affirmative only. It is true that in the present case, there were some issues on which the petitioner could lead evidence in rebuttal. However, as its evidence has been closed, now it has no right to do so.*

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8. Doubt was raised by Coordinate Bench about the view taken above. The matter was referred to the Division Bench. The Division Bench in ***Smt. Jaswant Kaur and another vs. Devinder Singh and others, AIR 1983 P&H 210*** observed as under:-

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*12. To conclude, I would hold on the language of Order 18, Rule 3, Civil Procedure Code, on principle and on the weight of precedent, that the last stage for exercising the option to*



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*reserve the right of rebuttal can well be before the other party begins its evidence.*

*13. Before parting with this judgment, the modalities of reserving the right of rebuttal also calls for some comment. It appears to me that herein also an overly strict view is not to be taken. If it is possible to necessarily imply from the mode of reservation that the right of rebuttal has been retained, then it should not be negated, merely on the ground that it has not been so done in express terms. Cases where the party or its counsel makes the statement that he closes his evidence in the affirmative only, would inevitably imply that rebuttal evidence may well be led and consequently such right has been reserved.*

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9. The aforesaid provision as contained under Order XVIII Rule 3 CPC *vis-à-vis* provision contained under Order XVIII Rule 17A CPC (now repealed vide 2002 Amendment) came up for consideration before Single Bench of this Court in ***Kashmir Kaur vs. Bachan Kaur, 2000(2) RCR (Civil) 133***, wherein it was observed as under:-

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*6.....The procedure prescribed for recording evidence, as envisaged in Order 18, is based upon common sense. Insofar as plaintiff is concerned, while examining his evidence in affirmative, he has no idea as to by which evidence, the defendant is to rebut his evidence, whereas the defendant, while leading his evidence, knows exactly what evidence has been led by the plaintiff and by which evidence he has to rebut the same. The defendant is, thus, permitted to lead evidence with regard to whole case which right has been given to the plaintiff by way*





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15. *In our opinion, Order 18 Rule 3 of the CPC would not give a right to the plaintiff to lead evidence in rebuttal on issues in which the onus of proof is on the plaintiff. Accepting such an interpretation would be to ignore a vital part of Order 18 Rule 3 of the CPC. The rule clearly postulates that “the party beginning, may, at his option, either produce his evidence on these issues or reserve it by way of answer to the evidence produced by the other parties”. No matter, how liberally a provision in the statute is required to be interpreted, by interpretation it cannot be amended. Whilst construing a statutory provision the Court cannot reconstruct it. The rule consciously provides the parties with an option either to produce the evidence in support of the issues or to reserve it by making a statement to that effect. The statement itself may well be liberally construed to avoid any unnecessary technical obstacles. One such example has been given by the Division Bench in the case of Smt. Jaswant Kaur (supra). It has been held that if a statement is made by the Advocate for the plaintiff that “the plaintiff closes its evidence in the affirmative only,” the same would be read to mean that the plaintiff had reserved its right to lead evidence in rebuttal. We are, therefore, unable to agree with the observations made by the learned Single Judge in the case of Kashmir Kaur (supra) that he is entitled to lead evidence in rebuttal as a matter of right. In our opinion, this observation runs contrary to the observations of the Division Bench in Jaswant Kaur's case (supra). The Division Bench has even fixed the maximum time on which the plaintiff has to exercise his option to reserve the right to lead evidence in rebuttal. It has been clearly held that such a reservation has to be made at the time of the close of the evidence of the*



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*plaintiff. We are also unable to agree with the observations of the learned Single Judge in the case of Punjab Steel Corporation (supra). In that case the plaintiff sought to lead evidence in rebuttal, after the close of the evidence of the defence. At that stage, the plaintiff cannot be permitted to reserve the right to lead evidence in rebuttal. The observations of the learned Single Judge run contrary to the law laid down by the Division Bench in the case of Smt. Jaswant Kaur (supra). No doubt, the Division Bench clearly lays down that an overly strict view cannot be taken about the modality of reserving the right of rebuttal. But at the same time, it has been held that the last stage for exercising option to reserve the right of rebuttal can well be before the other party begins its evidence. We are in respectful agreement with the aforesaid observations of the Division Bench in the case of Jaswant Kaur (supra) and R.N. Mittal, J., in National Fertilizers Ltd. (supra).*

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11. The aforesaid provision was again considered and interpreted in the case of ***Jagdev Singh and others vs. Darshan Singh and others, (2007) 1 RCR (Rent) 196 (DB)***. While interpreting the provision after Order XVIII Rule 17A CPC already stood repealed, the Division Bench of this Court observed as under:-

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*6. In the present case, the question that is involved is whether the plaintiffs-respondents could examine the handwriting expert in the rebuttal evidence after having led their evidence in the affirmative on the issues the onus of which was on them. The plaintiffs in support of their case want to prove the memo of partition dated 12.5.1989 and the rapat roznamcha which was*



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*entered with the Halqa Patwari on 29.7.1994. The onus of proving the said documents was on them. Therefore, it is for them to prove the said documents in accordance with law. The scope and ambit of the right of the plaintiffs to lead evidence in rebuttal on issues, the onus of proof of which is on the plaintiffs was considered by a Division Bench of this Court in Surjit Singh and ors. v. Jagtar Singh and ors., 2007 (1) RCR (Civil) 537 : AIR 2007 P&H 1. After elaborate consideration of the entire matter, one of us (S.S. Nijjar, J) speaking for the Bench observed as follows :—*

*“In our opinion, Order 18 Rule 3 of the CPC would not give a right to the plaintiff to lead evidence in rebuttal on issues in which the onus of proof is on the plaintiff. Accepting such an interpretation would be to ignore a vital part of Order 18 Rule 3 of the CPC. The rule clearly postulates that “the party beginning, may, at his option, either produce his evidence on these issues or reserve it by way of answer to the evidence produced by the other parties”. No matter, how liberally a provision in the statute is required to be interpreted, by interpretation it cannot be amended. Whilst construing a statutory provision the Court cannot reconstruct it. The rule consciously provides the parties with an option either to produce the evidence in support of the issues or to reserve it by making a statement to that effect. The statement itself may well be liberally construed to avoid any unnecessary technical obstacles. One such example has been given by the Division Bench in the case of Smt. Jaswant Kaur (supra) (AIR 1983 P&H 210). It has been held that if a statement is made by the Advocate for the plaintiff that “the plaintiff closes its evidence in the affirmative only,” the same would be read to mean that the plaintiff had reserved its right to lead evidence in rebuttal. We are, therefore, unable to agree with the observations made by the learned Single Judge in*



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*the case of Kashmir Kaur, (2000 (2) RCR (Civil) 133) (supra) that he is entitled to lead evidence in rebuttal as a matter of right. In our opinion, this observation runs contrary to the observations of the Division Bench in Jaswant Kaur's case (supra). The Division Bench has even fixed the maximum time on which the plaintiff has to exercise his option to reserve the right to lead evidence in rebuttal. It has been clearly held that such a reservation has to be made at the time of the close of the evidence of the plaintiff. We are also unable to agree with the observations of the learned Single Judge in the case of Punjab Steel Corporation (2002 (1) PLR 99) (supra). In that case the plaintiff sought to lead evidence in rebuttal, after the close of the evidence of the defence. At that stage, the plaintiff cannot be permitted to reserve the right to lead evidence in rebuttal. The observations of the learned Single Judge run contrary to the law laid down by the Division Bench in the case of Smt. Jaswant Kaur (supra). No doubt, the Division Bench clearly lays down that an overly strict view cannot be taken about the modality of reserving the right of rebuttal. But at the same time, it has been held that the last stage for exercising option to reserve the right of rebuttal can well be before the other party begins its evidence. We are in respectful agreement with the aforesaid observations of the Division Bench in the case of Jaswant Kaur (supra) and R.N. Mittal, J. in National Fertilizers Ltd. (supra) (AIR 1982 P&H 432).”*

*In terms of the aforesaid dictum, it is evident that the plaintiffs-respondents cannot as a matter of right lead evidence in rebuttal on issues, the onus of proof of which is on them. The plaintiffs-respondents had concluded their evidence in the affirmative on 11.3.1998 and reserved their right to produce evidence in rebuttal. However, the onus to prove the memo of partition dated 12.5.1989 and the rapat roznamcha which was got entered with the Halqa Patwari on 29.7.1994 was on them*



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*(plaintiffs-respondents). Therefore, they could not examine the handwriting expert as a matter of right. Therefore, it is to be seen in the facts and circumstances of each case whether the plaintiffs can examine a handwriting expert in rebuttal. The ground for examination of the handwriting expert is that the defendant-Jagdev Singh while appearing in the witness box did not give clear answer as regards his signatures on the memo of partition dated 12.5.1989 and the rapat roznamcha which was got entered with the Halqa Patwari on 29.7.1994. In this regard, it is appropriate to note that it is for the plaintiffs to prove their case in accordance with law on the basis of evidence. The fact that Jagdev Singh in his cross-examination did not make clear the point as to whether the said documents bear his signatures would not per se entitle the plaintiffs to examine a handwriting expert in rebuttal although for not giving answers to the questions posed during cross-examination may entail the drawing of an adverse inference for the purposes of appreciation of evidence. However, it would not give a right to the plaintiffs to make clear the point by producing a handwriting expert at that stage. In the circumstances, the learned trial Court while passing the impugned order has violated the procedure provided for leading evidence which has resulted in causing prejudice to the petitioners and would vitiate the impugned order.*

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12. Another Division Bench examined provision as contained under Order XVIII Rule 3 CPC *vis-à-vis* provision as contained under Order XVIII Rule 2 CPC, wherein while answering the precise issue as involved in the



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present case, the Division Bench of this Court in *Avtar Singh and another vs. Baldev Singh and others, 2015(5) RCR (Civil) 625* observed as under:-

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**Question No.2** *i.e. whether plaintiff can independently lead evidence in rebuttal over such issues, the onus of which is purely on the defendant?*

*From a plain reading of the provisions of Order 18 Rule 3 CPC and the principle of law enunciated by the Division Bench in Surjit Singh's case (supra), it is axiomatic that in a case, where there are several issues, and the burden of proof some of which lies upon the defendant, plaintiff who is conscious to the lis and alive to the matter in issue, he can adduce his evidence in entirety vis-a-vis all the issues including those onus of proof of which is upon the defendant. Or having led the evidence in affirmative, as regards the issues, the onus of proof of which is upon the plaintiff himself, he can reserve his right to lead evidence in rebuttal. Needless to assert, leading evidence in rebuttal is also a part of the plaintiff's evidence. Whether he leads it in one go qua all the issues and close his evidence or reserve his right to lead rebuttal evidence.*

**Question No. 3** *i.e. whether Rule 3 of Order 18 of the Code if read in conjunction with Order 18 Rule 1 of the Code widens the scope of evidence in rebuttal?*

*On a due and thoughtful consideration, we are of the view that the provision, which perhaps intended to be referred to by the learned Single Judge was Order 18 Rule 2 and not Order 18 Rule 1. As Order 18 Rule 1, only defines as to which of the parties has a right to begin first. Be that as it may. Provisions of Order 18 Rule 2 and Order 18 Rule 3 CPC are mutually*



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*exclusive and have their independent domains, and thus, operate in different situations. We deem it necessary to refer to the provision of Order 18 Rule 2 CPC, which reads as thus:*

*“2. Statement and production of evidence— (1) On the day fixed for the hearing of the suit or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.*

*(2) The other party shall then state his case and produce his evidence (if any) and may then address the Court generally on the whole case.*

*(3) The party beginning may then reply generally on the whole case.”*

*7. Firstly, the difference one needs to bear in mind is that the provisions of Order 18 Rule 2 CPC do not contemplate a situation where there are several issues involved and the burden of proof some of which lies on the defendant. Rather, what the provision takes within its sweep is a situation where on the date fixed for hearing of the suit, the party having the right to begin shall state his case and lead evidence on the issues he is bound to prove. Ex facie, the provision only caters to a situation where the burden of proof of all the issues is upon the party beginning. Thereafter, the other party i.e. defendant shall state his case and produce his evidence (if any). Meaning thereby, the provision of Order 18 Rule 2(2) only postulates a right to the defendant to lead evidence in rebuttal to the evidence led by the plaintiff. The expression “if any” denotes rebuttal evidence by the defendant. The afore-reproduced provision does not contemplate a situation, where the burden of proof of some of the issues lies upon the defendant, and after he*



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*leads evidence on said issues, plaintiff would lead evidence in rebuttal. Therefore, the expression, “and may then address the Court generally on the whole case.” and the expression occurring in Order 18 Rule 2(3), “the party beginning may then reply generally on the whole case.” only signify that after the defendant has led evidence (if any), he has a right to address and advance submissions on the whole case and likewise, the party beginning i.e. generally the plaintiff, would also have a right to advance submissions and respond to the case on the whole. Provisions of Order 18 Rule 2(3) cannot be construed or constructed to mean that after defendant had rendered his response to the whole case, plaintiff could still have a right to lead evidence in rebuttal. Such an interpretation or construction of the provision would be distorting the provision beyond its content. This perception and understanding further finds complete resonance in the provision of Order 18 Rule 3 CPC, as only the said provision deals with a situation where there are several issues and the burden of proof some of which lies upon the defendant. That is how, Division Bench in Surjit Singh's case (supra) interpreted Order 18 Rule 3, to determine the scope and ambit of the right of the plaintiff to lead evidence in rebuttal, on issues the onus of proof of which is on the plaintiff. Thus, both the aforesaid provisions cannot be read in conjunction but independently and in isolation, as regards the right of the party beginning to lead rebuttal evidence.*

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13. The proposition thus that can be culled out from the bare provision as contained under Order XVIII Rule 3 CPC and the interpretation thereof sketched by binding precedents is that :-



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- (i) Right to lead evidence in rebuttal on the issues, the onus of proof of which is upon the plaintiff, does not vest with the plaintiff.
- (ii) In a case involving several issues, where the plaintiff begins evidence, he has an option either to produce his evidence on the issues *qua* which burden lies on the defendant or to reserve it and to lead the same in rebuttal.
- (iii) Where the plaintiff wants to exercise his option, the same has to be exercised while closing evidence in affirmative by making statement to that effect.
- (iv) Where such option has been exercised, the plaintiff may produce evidence on the issues *qua* which onus lies upon defendant, after the defendant plead his evidence.

14. The provision as contained in Order XVIII Rule 3 CPC dealing with the right of plaintiff to lead evidence in rebuttal is different from the party seeking permission to lead additional evidence. Order XVIII Rule 17A CPC stands deleted but still in terms of dictum of law laid down in ***Salem Advocate Bar Association vs. Union of India, (2005) 6 SCC 344***, the Court can allow the same exercising inherent power, subject to the party seeking permission to lead additional evidence. To seek permission to lead additional evidence the party has to prove that evidence was not within its knowledge or could not have been produced despite due diligence. Nevertheless, additional evidence can also be allowed where the Court requires the same for proper adjudication. The parameters for allowing the additional evidence at the stage of trial, thus, are akin to those governing the provisions of Order XLI Rule 27 CPC.



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15. Applying the aforesaid parameters to the present case, this Court finds that the plaintiff in the present case propounded agreement to sell. Signatures thereupon have not been disputed by the defendant. Rather, he claims that the plaintiff was acting at the behest of Inderjit Dhanoa and has misused signed blank papers. That though signatures are his but agreement was propounded utilizing blank papers. This is different case from the one where signatures are denied. In a case of denial of signature, the burden of proof lies on plaintiff. It is propounder who has to prove that the caveator signed the document. Where signatures are admitted, it is for the party denying the document to prove that his signed blank papers were in custody of propounder and were misutilized to commit fraud. Propounder can not lead evidence in negative that blank papers were not utilized. He has to lead positive evidence to prove execution of agreement in terms of Section 68 of the Evidence Act.

16. It was in the background of these facts that issue Nos.5 to 7 have been framed and the onus thereupon have been placed upon defendant. Burden to prove has to be shouldered by the defendant. Plaintiff having closed his evidence only in affirmative, reserved his right to lead evidence in rebuttal. Thus, the Trial Court has rightly allowed the plaintiff to examine Handwriting and Fingerprint Expert while leading rebuttal evidence.

17. Counsel for the petitioner has relied upon plethora of judgments to support his submissions. In *Ant Ram @ Itwara vs. Roshan, 2024(2) RCR (Civil) 520*, no right to lead evidence in rebuttal was reserved when the



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evidence was closed in affirmative. Same is the case in *Rulda Singh vs. Paramjit Singh, 2022(4) PLR 368, Hardial Singh vs. Davinder Singh, 2020(3) RCR (Civil) 601; Radha Devi vs. Ram Gopal (since deceased) Through LRs and others, 2019(1) PLR 18 and Harbhajan Singh vs. Darshan Kaur and others, 2023(2) ICC 233.*

18. In view of above, this Court finds that precedents relied upon by petitioner/defendant are not applicable to the present case. As held by Division Bench in the case of *Jagdev Singh's case (supra)*, the right of the parties to lead evidence in rebuttal has to be dealt with in each case as per its own facts and circumstances.

19. Resultantly, finding no merits in the present revisions, the same are ordered to be **dismissed**.

20. Pending application(s), if any, shall also stand disposed off.

21. Photocopy of this order be placed on file of the connected case.

( PANKAJ JAIN )  
JUDGE

February 13, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No