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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-6846-2019

Date of Decision: September 26, 2025

NARENDER SINGH

.....Petitioner

Versus

BANWARI LAL

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Neha Bindal, Advocate for
Mr. Satbir Singh Gill, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 24.09.2019 passed by learned Additional Civil Judge, (Senior Division), Ellenabad whereby, an application filed on behalf of the petitioner-plaintiff for seeking permission to lead additional evidence at the rebuttal stage to examine handwriting expert, stands dismissed.

2. Briefly stating, the petitioner-plaintiff filed a suit for recovery of Rs.2,00,000/- along with interest against respondent-defendant based on pronote as well as receipt dated 19.05.2014. Upon appearance, the respondent-defendant denied his signatures over the pronote and the receipt by alleging the said document to be forged and fabricated one. Relevant paragraph from preliminary objection of the written statement filed on behalf of respondent-defendant is reproduced hereunder:-

“1. That the suit of the plaintiff is neither maintainable in the eyes of law nor sustainable in the present form as no such pronote and receipt has ever been executed by the defendant in favour of the plaintiff. The alleged pronote and receipt does not bear the signature of the defendant and thus, the same is result of

forgery and fabrication by the plaintiff in connivance of the witnesses and scribe of the alleged pronote and receipt.”

3. Thereafter, both the parties led their respective evidences, however, at the stage of rebuttal, the petitioner-plaintiff filed an application for seeking permission to examine fingerprint and handwriting expert by way of additional evidence. Relevant Paragraph Nos.1 and 2 of the application are reproduced hereunder for reference:-

“1. That the above noted suit is pending before this Hon'ble Court and fixed for today for rebuttal.

2. That in the present suit the defendant denied the execution of pronote and receipt and also denied his signature on the pronote and receipt. Now the evidence of fingerprint and handwriting expert is very much necessary for the proper and just decision of the present case.”

The said prayer was opposed at the instance of respondent-defendant. The learned trial Court vide order dated 24.09.2019 rejected the application filed on behalf of the petitioner-plaintiff. Hence, the present revision petition.

4. Learned counsel for the petitioner submits that the examination of fingerprint and handwriting expert shall further the cause of justice as the respondent-defendant has denied his signatures over the pronote and the receipt. He thus submits that the report from the expert would help the Court to adjudicate upon the issue in a complete and effective manner.

5. No one has chosen to appear on behalf of respondent.

6. I have heard learned counsel for the petitioner and gone through the paper book.

7. A perusal of the record shows that at the very first instance when respondent filed his written statement before the learned trial Court, he denied his signatures over the pronote and the receipt while alleging the said document to be fraudulent and fabricated one. In such circumstances, when the primary burden to prove the genuineness of the pronote and receipt was upon the petitioner-plaintiff, he was required to examine fingerprint and handwriting expert in his affirmative evidence. At this stage of rebuttal, the petitioner cannot be permitted to fill up the lacunae and that too with no averments made in the application by him to the effect that the petitioner could not examine the handwriting expert at the appropriate stage, despite all due diligence.

8. Accordingly, there being no jurisdictional error in the order dated 24.09.2019 passed by learned trial Court, the present revision petition being devoid of merits is thus, dismissed.

9. Pending application(s), if any, shall also stand disposed of.

26.09.2025
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>