

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 3604 of 2014

Date of Decision: 03.07.2015

Hari Chand

.....Petitioner

Vs.

Bihari Lal

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashok Kaushsik, Advocate,
for the petitioner.

Mr. Adidya Jain, Advocate,
for the respondent.

SABINA, J.

Petitioner has filed this petition challenging the order dated 03.05.2014, whereby application moved by the petitioner for examining handwriting and finger print expert while leading his additional evidence, was dismissed.

Learned counsel for the petitioner has submitted that in the interest of justice, it was very necessary to examine handwriting and finger print expert qua the signatures of the defendant on the agreement to sell and receipt dated 04.10.2006.

Learned counsel for the respondent, on the other hand, has opposed the petition and has submitted that the petitioner had taken nineteen opportunities to conclude his evidence. Now the case

was listed before the trial Court for rebuttal evidence of the plaintiff. The witness now sought to be examined by the petitioner could have been examined by the petitioner while leading his evidence in the affirmative.

In the present case, petitioner has filed suit for specific performance of agreement to sell dated 04.10.2006. The defendant in his written statement had alleged that the signatures on the receipt dated 04.10.2006 were forged whereas the signatures of the respondent on the blank stamp papers had been misused by converting the said paper as an agreement to sell. Thus, the respondent-defendant in the written statement had taken a plea that his alleged signatures on the receipt dated 04.10.2006 were forged. The petitioner could have examined the handwriting and finger print expert to counter the said claim while leading his evidence in the affirmative. Now the petitioner wants to examine the handwriting and finger print expert when the case is listed for rebuttal evidence. In the facts and circumstances, the learned trial Court rightly held that the application moved by the petitioner for permission to examine the handwriting and finger print expert was liable to be dismissed.

Hence, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

July 03, 2015
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