

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

**CR No.4019 of 2015
Date of decision: 16.10.2015**

Surjit Singh ... Petitioner
Vs.

Parveen Kumar ... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Surinder Garg, Advocate, for the petitioner.

Mr. A.S.Cheema, Advocate, for the respondent.

AMIT RAWAL J. (Oral)

Challenge in the present petition is to the impugned order dated 16.04.2015 (Annexure P-2), whereby, the prayer of the petitioner to examine Harbaksh Singh Mandar - Handwriting Expert as witness has been allowed but for summoning of Sh.Badri Narain Goyal, Advocate as witness has been declined.

Mr. Surinder Garg, Advocate appearing on behalf of the petitioner submits that Sh. Badri Narain Goyal, Advocate had been engaged by Pinki wife of Parveen Kumar, in whose favour sale deed in respect of other land, has been executed. The said sale deeds have been impugned and proceedings under Indian Stamp Act are pending and in those proceedings, Sh. Badri Narain Goyal, is appearing as her counsel. He further submits that stand of the

petitioner-defendant is that two agreements to sell of same date, i.e., 22.10.2010 had been executed by Surjit Singh in favour of Pinki and not in favour of Parveen Kumar, therefore, it would be necessary to summon the aforementioned Advocate.

Mr. A.S.Cheema, learned counsel appearing on behalf of the respondent submits that since the trial Court has allowed first prayer, granting liberty to the petitioner to get the signatures compared through testimony of handwriting expert, there would be no necessity to summon the Advocate, therefore, the trial Court rightly declined the second prayer. He further submits that there is no illegality, much less, perversity in the impugned order.

I have heard learned counsel for the parties and appraised the paper book.

Noticing the aforementioned rival contentions of learned counsel for the parties, I am of the view that it is a categorical stand of the petitioner that he has executed the aforementioned agreement to sell in favour of Pinki, and not in favour of her husband Parveen Kumar, whereas, the suit has been filed by Parveen Kumar seeking relief of specific performance and Mr. Badri Narain Goyal, Advocate is appearing on behalf of Pinki in the proceedings initiated under the Indian Stamp Act, the petitioner-defendant intends to prove on record that signatures of Pinki available on the Vakalatnama executed in favour of Sh. Badri Narain Goyal, Advocate, vis-a-vis, agreement to sell.

If the aforementioned prayer is allowed, it would not affect the respondent-plaintiff as no prejudice would be caused as he would be able to cross-examine the aforementioned Advocate.

In view of what has been observed above, impugned order declining the summoning of Sh. Badri Narain Goyal, Advocate, is hereby set aside. Application (Annexure P-1) is allowed. Petitioner shall be at liberty to examine both the witnesses, i.e., Harbaksh Singh Mandar, Handwriting Expert and Sh. Badri Narain Goyal, Advocate in support of his case.

Accordingly, revision petition is allowed.

(AMIT RAWAL)
JUDGE

October 16, 2015
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