

CR No. 4959 of 2015

Date of Decision: December 01, 2015

Bank of India

...Petitioner

vs.

Manavjit Kaur

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Kunal Dawar, Advocate and
Mr. Rohit Rana, Advocate
for the petitioner.

None for respondent No.1 & 2.

Mr. Birinder Singh Khehar, Advocate
for respondent No.3.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Vide the impugned order dated 22.07.2015 passed by learned Civil Judge (Jr. Divn.), Chandigarh the application of the plaintiff for appointing Handwriting expert for comparison of admitted signatures of defendant No.3 Kanwar Narinder Singh on his affidavit Ex. DW1/A with the disputed signatures on Ex. P-9 was dismissed.

Respondent No.1 has not put in appearance despite

service. Respondent No.2 is evading the service. Accordingly, respondent Nos. 1 & 2 are proceeded against *exparte*.

Suffice to say that plaintiff bank has filed a recovery suit. In this case the evidence of the defendant was being led when the present application was filed.

After hearing learned counsel for the parties and going through the case file very carefully, I am of the view that if the plaintiff wanted to prove some documents for which affirmative evidence was required to be led. It is not the law that even during the evidence of defendant such application can be moved. The proper opportunity was granted to the plaintiff when he was leading the affirmative evidence. He has already proved the said documents. Therefore, the lower Court rightly declined to appoint the expert for the comparison as requested by the plaintiff. The case is already fixed for arguments.

No ground is made out to interfere in the impugned order.

Revision petition stands dismissed.

December 01, 2015
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(KULDIP SINGH)
JUDGE