

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

Date of decision:22.01.2015

Smt.Chandro through LRs

.....Petitioner

v.

Kamla and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Ram Kumar Saini,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Legal representatives of plaintiff-Smt.Chandro are in revision assailing the order dated 13.1.2015(P-3) passed by Civil Judge (Junior Division)Hisar whereby their application for additional evidence for examining the Handwriting and Finger Print Expert for comparison of the signatures of the Deed Writer,PW-2, Satpal has been dismissed.

It is apparent that the plaintiff sought a declaration that she is owner in possession of land measuring 6K being 120/800 share out of 40 kanals fully described in the plaint, being her share of the land owned by her late father Raja Ram. Further challenge is to the registered sale deed dated 25.4.2011 allegedly executed by plaintiff herself in favour of her sister-defendant no.1 and the subsequent mutations passed on the said sale deed. Consequential relief of injunction has also been prayed for.

Having heard counsel at length, this Court finds no ground to interfere.

It is not in dispute that the Deed Writer Satpal was himself produced as witness by the plaintiff and while appearing as PW-2, he categorically deposed that he had drafted the sale deed. It was never case of the plaintiff that Satpal Deed Writer has not drafted the sale deed or his signatures on the sale deed and in the Register of Deeds did not tally. Therefore, the proposed evidence would be totally beyond pleadings. Even otherwise no objection was taken by the plaintiff at the time of deposition of PW Satpal that his signatures did not tally. Still further, it is not in dispute that the registered sale deed bears photographs of the parties alongwith the witnesses and has been duly endorsed by the Sub Registrar, Hisar. Therefore, this Court is in agreement with the reasoning adopted by the trial Court while dismissing the application for leading additional evidence.

In view of the above, present revision petition is dismissed with costs of Rs.10,000/-(Rupees ten thousand only) with District Legal Service Authority, Hisar.

22.01.2015
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(Jaswant Singh)
Judge