

**265 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-5274 of 2015(O&M)

Date of Decision: December 14, 2015

Jasbir Singh

...Petitioner

vs.

Manjit Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. R. S. Mamli, Advocate
for the petitioner.

Mr. Ashwani Sharma, Advocate
for respondent.

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)

Impugned in the present revision is the order dated 22.07.2015(Annexure P-1) passed by learned Civil Judge(Jr. Divn.), Bilaspur Distt. Yamuna Nagar vide which an application filed by the defendant/petitioner for sending the original CD to the FSL, Madhuban for comparison and plaintiff to be directed to come present for recording his voice before the expert was dismissed.

I have heard learned counsel for the parties and have carefully gone through the case file.

It comes out that the suit is for specific performance of an

CR-5274 of 2015

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agreement to sell dated 07.08.1998. Defendant claims that his signatures were obtained by the plaintiff by putting the disputed agreement in the sale deed in favour of the defendant and consequently, his signatures were fraudulently obtained. He relies upon a CD wherein the plaintiff is stated to have made such admission. It comes out that the case is at the stage of evidence of the plaintiff wherein the defendant cannot lead evidence.

It being so, application at the stage of evidence of the plaintiff does not lie and is accordingly dismissed. However, with liberty to the defendant, to move fresh application during the course of his evidence requesting the Court for taking the voice sample of the plaintiff and thereafter sending the CD to the FSL, Madhuban. If such application is filed, the lower Court will first ascertain whether the plaintiff is willing to give his voice sample or not? If the plaintiff is willing to give his voice sample before the Court then the Court after considering the case law on the point will decide such application without being influenced by its order dated 22.07.2015. If the plaintiff fails to give his voice sample, the Court may draw an adverse inference against the plaintiff.

Revision stands disposed of.

December 14, 2015
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(KULDIP SINGH)
JUDGE