

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5065 of 2014 (O&M)
Date of Decision: 06.02.2015

Mohan Singh

...Petitioner

Versus

Hoshiar Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers 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?*

Present: Mr. Nitish Garg Advocate
for the petitioner.

Mr. Vikrampreet Arora, Advocate
for the respondent.

R.P. Nagrath, J. (Oral)

The instant revision has been filed by invoking the revisional jurisdiction of this Court under Article 227 of the Constitution of India seeking to set aside the order dated 13.03.2014 (Annexure P-6) passed by the trial Court whereby application to examine the handwriting expert in additional evidence has been declined.

I have heard learned counsel for the parties, perused the paper book and the records.

Learned counsel for the petitioner-defendant submits that petitioner denied execution of the agreement to sell and even his signatures. Earlier, evidence of petitioner was closed by order on

03.12.2013 by trial Court by observing that seven effective opportunities have already been granted. It was thereafter that instant application for examining the handwriting expert was filed.

The suit of the respondent-plaintiff is based on agreement to sell dated 31.08.2007. Learned counsel for the petitioner contended that given one opportunity, petitioner would close his examination of handwriting expert at responsibility and that the petitioner has already got the document examined from handwriting expert.

Keeping in view the aforesaid facts, the instant petition is allowed and impugned order is set aside, subject to payment of ₹ 15,000/- as costs which shall be payable to the respondent by way of bank draft on the next date fixed before the trial Court. The further condition is imposed that petitioner would be afforded only one opportunity to produce and examine the handwriting expert on the date that may be fixed by the trial Court according to its convenience. It is also a condition that the petitioner would supply copy of the report of handwriting expert to the opposite counsel on the date on which costs imposed in this order, are to be paid.

The petition is allowed in the terms indicated above.

It is made clear that failing to comply with any of the aforesaid conditions, the instant petition would be deemed to have been dismissed.

06.02.2015

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(R.P. Nagrath)
Judge