

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

SR.NO.228-CR.NO.5595-2014

Decided on: 01.05.2015

Balwinder Kumar Saini and othersPetitioners

VS

Harbhajan Kaur and othersRespondents

CORAM HON'BLE MR. JUSTICE K.KANNAN

Present Mr.Rajinder Sharma, Advocate for the petitioners.

None for the respondents.

K.KANNAN, J

The defendant who had a counter claim to make on the basis of a sale deed executed in his favour in the year 1996 sought the permission of the Court to have the documents compared with the signatures with the admitted signatures of the vendor. He claims that the witnesses in the sale deed had died and filed their death certificates and, therefore, sought the remedy of examining the handwriting expert. The Court observed that the difference in signature cannot be proved through witnesses like handwriting expert.

Even, when there is preponderance of case law that evidence of a handwriting expert is weak, parties resort to it and bring conflicting versions from experts and two experts referring to the same document with divergent views are never uncommon. If that is the quality of evidence which the defendant is prepared to bring, he will decide the fate in his own case in the manner he chooses to do. I would have made no intervention if the suit was an old one and when the defendant was bringing out such an application belatedly. The suit is reported to be of the year 2012 and in a situation where the defendant has other problems such as inability of securing the evidence of witnesses who have died, I give him benefit of the prayer that he has sought for before the Court below.

The order passed by the Court below is set aside and the revision is allowed, permitting the defendant to examine the handwriting expert and all the preliminaries that are required to be carried through, such as taking photographs of documents and signatures, the disputed documents with admitted documents and securing a report

within the period set by the Court before the witness is brought before Court and examined on the basis of the necessary materials.

The revision is allowed in the above terms.

01.05.2015

mamta

(K.KANNAN)

JUDGE