

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

CR No. 7397 of 2013 (O&M)

Date of decision: October 19, 2015

Harjot Singh

...Petitioner

Versus

Simar Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

- 1. Whether Reporters of 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. Lakhwinder, Advocate, for
Mr. PS Dhaliwal, Advocate,
for the petitioner.

Mr. Amandeep Rana, Advocate, for
Mr. Satish Goel, Advocate,
for respondent No.4.

K. KANNAN, J. (Oral)

1. Both the counsel are not ready to argue the case. I find the impugned is against an interim order and the revision is pending unnecessary for three years. I have examined the case of my own and proceed to pass the order.

2. The revision is against the order dismissing a plea for appointment of a hand writing expert for assessing the genuineness of the signatures found on the agreement which is the subject matter. The plaintiff's contention is that the two witnesses in the agreement could not be examined and under the peculiar circumstances when he is unable to secure their presence to vouch for its genuineness, the only option that he is left

with is to have the documents examined with reference to the signatures found therein by comparison to the signatures of defendant No.1 in admitted document and give a report. The court has rejected the plea.

3. In the normal situation, where the court has declined such permission, I would have left the matter there, but if the report has an important bearing for the plaintiff when the agreement which is sued in a suit for specific performance is denied by the defendants and the witnesses in the agreement are not prepared to support the plaintiff, I will accommodate the plaintiff plea. It is a known situation of fact and law that report of a hand writing expert cannot be conclusive and indeed the evidence itself is weak. However, the plaintiff alone can determine the quality of the evidence that he brings to court and that cannot be pre-judged by a court. For the delay caused by the plaintiff for holding up trial and taking steps belatedly, I must impose cost of ₹10,000/- for the plaintiff to pay to the defendants. The cost of hand writing expert shall also be borne by the plaintiff, irrespective of the result of the litigation and the same shall not be taxed on the defendant in the suit cost. The cost of ₹10,000/- shall be paid within a period of four weeks from the date of receipt of a copy of this order, failing which the order passed already, which is impugned in the revision shall stand restored.

4. The impugned order is set aside, subject only to the above condition. The revision is ordered on the above terms.

October 19, 2015
prem

(K.KANNAN)
JUDGE

