

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

C. R No. 8495 of 2015 (O&M)

Date of decision : 14.12.2015

Gram Panchayat Village Gumar

....Petitioner

versus

Surat Singh (deceased) through his LR's

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Pawan Kumar Hooda, Advocate
for the petitioner.

RITU BAHRI , J. (Oral)

Challenge in this petition is to order dated 03.12.2015 passed by learned Addl. Civil Judge (Sr. Divn.), Ganaur, vide which the application filed by the respondent for permission to examine handwriting and finger print expert has been allowed.

The petitioner filed a suit challenging the decree dated 11.04.1990 on the ground that Gram Panchayat was never served with the summons in the above said Civil Suit No. 301 of 1998 and Ram Kishan the then Sarpanch did not sign the summons and the said civil suit decreed ex parte.

Learned counsel for the petitioner submits that in the present suit, the petitioner has denied his signatures on the summons Ex P5/C and

P5/D and even filed a complaint against the respondent (since deceased) and F.I.R No. 529 dated 28.01.2012 under Sections 419/420/467/468/471 IPC has been registered at P.S Ganaur and signatures of Ram Kishan of P.W2 were compared with the signatures appearing on the summons and a sent it to FSL Madhuban and as per report, the signatures of Ram Kishan are not matched with the signatures appearing on the summons.

Learned counsel submits that once it is clear that the signatures of Ram Kishan were not there on the summons, the trial Court should not have allowed the application of the respondents to examine handwriting and finger print expert. The only motive of the respondent is to delay the proceeding of the civil suit, as the land belongs to Gram Panchayat.

This argument of learned counsel is liable to be rejected as Ram Kishan in the present suit has denied its signatures and therefore, it was necessary for the defendants to examine hand writing and finger print expert. The defendant is in his rights to bring all the material evidence in his support.

In view of the above, the revision petition is dismissed.

However, the trial Court is directed to appoint handwriting and finger print expert outside the District of Sonapat.

14.12.2015

G Arora

(RITU BAHRI)
JUDGE