

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 8572 of 2015

Date of Decision : 17.12.2015

Kanta Dhupar

.....Petitioner

Versus

Smt. Bindu Asnani and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.P. Bhandari, Advocate
for the petitioner.

Surinder Gupta, J. (Oral)

Heard.

This is revision against order dated 17.11.2015 passed by Civil Judge (Senior Division), Faridabad whereby application of defendants for permission to examine the document expert was allowed.

On perusal of order, it appears that plaintiff-petitioner in order to prove signatures of deceased Sudarshan Lal Dhupar on the document, which is stated to be a Will, had availed services of document expert and thereafter, defendants moved an application for permission to examine the expert, which was allowed.

Learned counsel for the petitioner argues that once the expert has been examined by plaintiff-petitioner, there was no requirement to examine the second expert by defendants. He relies on the observation in case of **Surinder Kaur vs. Badal Singh and others, 2013 (2) RCR (Civil) 998**. In that case, plaintiff after examining the expert had moved an application for sending the document to forensic laboratory, which was declined,

as such the above citation is not applicable to the facts of instant case.

There is no bar in the case against defendants to examine a document expert to rebut the testimony of expert examined by plaintiff as the dispute pertains to signatures of testator.

Here, learned counsel for the petitioner submits that to end the controversy between the parties, opinion of some Government expert may be ordered to be taken.

Plaintiff-petitioner instead of availing services of Government expert has already examined the expert, as such, the request of learned counsel for plaintiff-petitioner cannot be allowed at this stage. Learned counsel for petitioner submits that he may be allowed to move application to this effect before trial Court, which may be decided on merit. No such permission is required for petitioner as he may file any application before the Court below as permissible under law and the Court below always decide such application on merit.

The instant revision has no merits and the same is dismissed.

December 17, 2015
jk

(SURINDER GUPTA)
JUDGE