

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

CR No.1341 of 2016.

Date of Decision: 08.07.2016.

Jasbir Kaur

....Appellant.

VERSUS

Bakshish Singh and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Amit Arora, Advocate for the petitioner.

SNEH PRASHAR, J.

By way of this revision petition, petitioner Jasbir Kaur has assailed the order dated 15.01.2016 passed by learned Additional Civil Judge (Senior Division), Tarn Taran, by virtue of which the said Court dismissed the application filed by the petitioner for examining a handwriting and finger print expert in order to get compared the thumb impressions of Bakshish Kaur-plaintiff on the Power of Attorney dated 15.03.2007 with the admitted thumb impressions of Parkash Kaur on an application given by her for registration of a First Information Report.

The submissions made by Mr. Amit Arora, learned counsel for the petitioner have been considered.

Learned counsel for the petitioner argued that since the thumb impressions of Parkash Kaur on the Power of Attorney dated 15.03.2007 had been disputed by the plaintiffs-respondents No.1 and 2, it was important

and necessary to get the document proved by getting the thumb impressions of Parkash Kaur (executor of the document) compared with her admitted thumb impressions. It is a material piece of evidence which would go to the root of the matter and would be essential for just and proper decision of the case and, therefore, the petitioner should not be debarred from producing the same by way of additional evidence. To support his arguments, learned counsel relied upon *Phuman Singh and another vs. Hazara Singh and others, 2009(3) R.C.R. (Civil) 671; Chattar Singh vs. Mehar Singh, 2002(1) R.C.R. (Civil) 757; and Hazara Singh vs. Bachan Singh, 1998(2) R.C.R. (Civil) 357.*

There appears no merit in the arguments of learned counsel for the petitioner. The application filed by the petitioner is misconceived. Firstly, as per the head note of the application, the petitioner had sought permission to get compared the thumb impression of Bakshish Kaur-plaintiff whereas in para No.3 of the application, she mentioned that the thumb impressions of Parkash Kaur were to be got compared. In fact, the head note of the suit (Annexure-A1) filed by respondents No.1 to 3 indicates that there is no person named Bakshish Kaur as party to the suit. Plaintiff No.1 is 'Bakshish Singh' and he is not the person who had allegedly thumb marked the document dated 15.03.2007.

The application was also not filed seeking permission of the Court to adduce additional evidence explaining the reason for not producing the said evidence earlier despite due diligence. It was filed simply for examining the handwriting and finger print expert. Earlier the evidence of the petitioner was closed by order of the Court dated 09.12.2015. The

allowed vide order dated 01.10.2015 granting the petitioner one effective opportunity to produce her entire evidence at her own risk and responsibility subject to deposit of Rs.5000/- as costs by her with the District Legal Services Authority, Tarn Taran. The impugned order reveals that the petitioner had duly availed the opportunity granted to her and it is thereafter that she filed the instant application for examining the handwriting and finger print expert. Learned Trial Court rightly observed that the application is nothing but an abuse of process of law. Moreso, it was also neither pleaded nor stated how the evidence was material and essential for just and proper decision of the case. In case an application is entertained in the said manner, there would be no end to the litigation.

Thus, there being no merit in the petition, it is dismissed.

(SNEH PRASHAR)
JUDGE

08.07.2016.

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