

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.4915 of 2016

Date of Decision: August 03, 2016

Amarjit Kaur

---Petitioner

versus

Resham Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ramesh Sharma , Advocate
for the petitioner.

Rekha Mittal, J.(Oral)

The present petition has been directed against order dated 27.07.2016 passed by the Additional Civil Judge (Senior Division), Jagroan, whereby application filed by the petitioner for seeking direction to the defendant/respondent to give his specimen signatures for comparison with his purported signatures on the agreement to sell has been dismissed.

Counsel for the petitioner has submitted that examination of an expert on the basis of comparison of the disputed signatures of the respondent on agreement to sell with his specimen signatures would be in the interest of both the parties as well as substantial justice, therefore, the trial Court should have permitted such an exercise to be undertaken which would otherwise facilitate complete and effective adjudication of the matter in controversy.

I have heard counsel for the petitioner, perused the paper book particularly the order impugned.

Counsel for the petitioner has not disputed that the parties have already adduced their evidence and the case has reached the stage of evidence in rebuttal and arguments. The learned trial Court has noticed that the evidence sought to be adduced in rebuttal was an affirmative evidence and the plaintiff was required to examine handwriting expert in affirmative to prove the agreement dated 08.07.2011 but failed to examine the witness despite numbers of opportunities granted for the purpose. As the petitioner cannot be allowed to examine the witness in rebuttal, no error much less illegality can be found in the order impugned warranting intervention in exercise of supervisory jurisdiction of this Court.

For the foregoing reasons, the petition fails and is accordingly dismissed in *limine*. However, nothing stated in this order shall be construed as an expression of opinion on merits of the case.

(Rekha Mittal)
Judge

AUGUST 3, 2016

'Rishabh'

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No