

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

**CR No.5082 of 2016
Decided on: 10.08.2016**

Ajay Kumar

....Petitioner

Versus

Santa Devi and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Rakesh Kumar Sharma, Advocate
for the petitioner.

REKHA MITTAL, J.

The present petition has been directed against order dated 21.04.2016 passed by the Civil Judge (Sr. Division), Faridabad whereby application of the petitioner/plaintiff for re-examination of Tushar @ Toshmani son of Sh. Ganga Ram – PW4 for giving sample handwriting for comparison by an expert with a prayer for appointment of an handwriting and fingerprint expert has been dismissed with the observations that there is no ambiguity in the statement of PW-4 who clearly denied the handwriting to be his, there is no ground for seeking assistance of some handwriting expert by the Court. It has further been held that the plaintiff is required to prove his own case and it is not for the Court to collect evidence on his behalf.

It appears that the application filed by the petitioner was dismissed primarily for the reason that the same was not properly drafted and the prayers made therein either for re-examination of Tushar @ Toshmani or for appointment of an handwriting and fingerprints expert by the Court were wrong. It further appears that as a

matter of fact, the petitioners wanted to seek assistance of the Court to procure specimen handwriting of Tushar @ Toshmani for the purpose of comparison by an handwriting expert.

Counsel has apprised the Court that Tushar @ Toshmani is the son of Ganga Ram, one of the defendants in the case and in his examination-in-chief itself, he has stated that he is ready to give his specimen handwriting. In the given facts and circumstances, the petition stands disposed of but with liberty to the petitioner to file an appropriate application for procuring specimen handwriting of Tushar @ Toshmani for the purpose of comparison. In case, such an application is filed, the same shall be disposed of by the trial Court, in accordance with law, without being influenced by the observations made in the impugned order.

10.08.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No