

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7410 of 2016(O&M)
Date of Decision: 07.11.2016

TEJ KAUR AND OTHERS

.....Petitioners

Versus

YADWINDER SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.K. Daaria, Advocate for
Mr. R.V.S, Chugh, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioners have assailed order dated 22.09.2016 passed by Civil Judge (Senior Division), Mansa whereby application filed by the plaintiff-respondent No.1 for leading evidence in the shape of examination of expert was allowed.

[2]. Plaintiff-respondent wanted to examine another document expert to get the specimen thumb impression of all the defendants compared with the thumb impression appearing on the record of impugned decree.

[3]. Various interlocutory orders on record reveal that the oral evidence of the plaintiff was closed on 04.03.2016 and the case was adjourned to 11.03.2016 for documentary evidence of

the plaintiff-respondent. No documentary evidence was present on 11.03.2016 and an application for taking specimen thumb impression of the defendants was moved by the plaintiff.

[4]. Evidently, no defence evidence has been examined so far. Plaintiff has a right to examine expert in affirmative evidence. In such eventuality, defendant will get ample opportunity to counter the legality and veracity of expert evidence by leading evidence in defence or by cross examining the expert witness of the plaintiff.

[5]. At this stage, in considered opinion of this Court, there cannot be any impediment in the way of the plaintiff to examine an expert witness in affirmative evidence particularly when evidence of the defendant is yet to be started.

[6]. In view of aforesaid, there is no error of jurisdiction in the impugned order dated 22.09.2016 passed by Civil Judge (Senior Division), Mansa. This revision petition is accordingly dismissed.

07.11.2016

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No