

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

CR No.7618 of 2016

Date of Decision:11.11.2016

Gobind Singh

.....Petitioner

Versus

Jaswant Singh

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Arun Bansal, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has assailed order dated 07.10.2016 passed by Civil Judge (Junior Division), Bathinda vide which application filed by the petitioner under Section 45 of the Evidence Act for referring the alleged agreement to Forensic Lab was dismissed.

[2]. Plaintiff-petitioner filed a suit for specific performance of agreement to sell dated 04.04.2016 executed by defendant in his favour in respect of suit land. Alternate relief of recovery and consequential relief of permanent injunction were also sought.

[3]. Plaintiff was allowed to lead additional evidence. Additional evidence was led by the plaintiff in order to prove the

payments i.e. Rs.11,00,000/- vide cheque No.505061 dated 05.04.2006 and Rs.4,15,000/- vide cheque No.505062 dated 05.04.2006 towards consideration qua agreement in question.

[4]. Plaintiff alleged that the agreement was fabricated by the defendant and an endorsement dated 05.04.2006 was made on the agreement dated 15.03.2006 which was repudiated by the plaintiff during course of cross examination of the defendant. Plaintiff further alleged that the endorsement on the agreement i.e. Ex.DR2 was fabricated and manipulated.

[5]. Since the plaintiff has already led additional evidence and the alleged fabrication is claimed to be of subsequent date which was not the subject matter of original foundation laid by the defendant in the written statement, therefore the claim made by the plaintiff-petitioner in the context of referring the agreement Ex.DR1 and endorsement Ex.DR2 to Forensic Lab in order to check the age of link used in aforesaid documents would be totally displaced and inconsequential.

[6]. Trial Court would be obligated to assess the legality and validity of evidence so led by the parties in the context of their pleadings. No such assessment can be made at this stage.

[7]. In view of facts on record, there cannot be any error of jurisdiction in the order dated 07.10.2016 passed by Civil Judge (Junior Division), Bathinda. This revision petition is accordingly

dismissed.

[8]. Nothing expressed hereinabove would be deemed to be an expression on ultimate merits of the case.

11.11.2016

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No