

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

Civil Revision No.7625 of 2016

Date of decision: November 23, 2016

Jamil Khan @ Tunda

...Petitioner

Versus

Shyam Sunder Gupta

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

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

Rajan Gupta, J.

Present revision petition is directed against the order dated 04.11.2016, passed by the trial court, whereby application for comparison and determining the age of a revenue stamp, date, also month and year of its manufacture, has been dismissed.

Learned counsel for the petitioner has assailed the order. According to him, date of the revenue stamp is required to be determined for just adjudication of the matter, as the stamp in question is of different date than contained in the agreement to sell.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, respondent/plaintiff, filed a suit for recovery of Rs.1,70,000/- against the petitioner/defendant on the ground that defendant had taken certain loan amounts from the plaintiff, but he did not repay the same. During pendency of the suit, defendant/petitioner

filed instant application for comparison and determining the revenue stamps on receipts Ex.P-1 and Ex.P-2 from the expert. Trial court dismissed the application as it did not find any ground for sending the stamp to the expert for its examination. It observed that this fact can also be verified by getting the stamp vendor examined, as the case is still at the stage of defendant's evidence. I find no infirmity with the order passed. It appears that petitioner moved the instant application in order the delay proceedings of the suit, as the documents Ex.P-1 and P-2 were already on record and he did not move such an application earlier. There is no ground to interfere in revisional jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

November 23, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No