

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

Civil Revision No.8176 of 2016
Date of decision: December , 2016

Surinder Singh ...Petitioner

Versus

Gurbachan Singh ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

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

Rajan Gupta, J.

Present revision petition is directed against the order dated 12.10.2016, passed by the court below, whereby application of the petitioner for leading additional evidence to examine a document expert, has been rejected.

Order has been assailed by counsel for the petitioner. He vehemently contended that trial court had gravely erred in rejecting the application. Defendant had denied execution of agreement to sell. It was necessary to examine his his thumb impression for the purpose of comparison by a document expert. In case the plea is not allowed, it will jeopardize the case of the petitioner.

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

It appears, petitioner filed a suit for possession by way of specific performance of agreement to sell dated 18.11.2010, stated to be

executed by defendant in favour of the plaintiff in respect of a house situated in village Patran, District Patiala. Suit was instituted way back in July, 2011. Petitioner led evidence in affirmative and closed the same on 21.5.2014 reserving his right of rebuttal. Thereafter, the trial proceeded. The case is at the stage of culmination, as it is fixed for arguments today i.e. 7.12.2016. Instant application was moved by the plaintiff to examine document expert namely, Dr. Inderjit Singh, for comparison of thumb impression of defendant Gurbachan Singh and to summon the register of stamp vendor for proving entry No.2106 dated 18.11.2010. Similar application was moved by the petitioner at the time of rebuttal evidence. However, same was rejected. He preferred Civil Revision No.3075 of 2016 against the said order. Same was also dismissed. In my considered view that there is no infirmity with the order passed by the trial court. The plaintiff/petitioner was always aware of the thumb impression existing on the agreement to sell. He got sufficient opportunities to lead evidence in affirmative and closed the same on 21.5.2014 by making a statement. Besides, the agreement to sell is already exhibited. There is sufficient material on record for the trial court to arrive at a proper decision on the basis of same. This petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

December , 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No