

CR No. 8302 of 2016 (O&M)

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

CR No. 8302 of 2016 (O&M)

Date of Decision: December 20, 2016

Mahadevi through Ram Kishan being GPA Holder

...Petitioner

Versus

Rajender Kumar @ Lilu

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

AUGUSTINE GEORGE MASIH, J. (Oral):

CM No.24999-CII of 2016

Exemption is granted from filing certified/typed copy of
Annexure P-3 and the same is taken on record, subject to all just exceptions.

Application stands disposed of.

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Challenge in this revision petition is to the order dated
15.11.2016 passed by the Rent Controller, Charkhi Dadri, whereby, an
application preferred by the petitioner for permission to examine the
Handwriting and Fingerprint Expert in the rebuttal evidence on the ground
that the respondent-tenant had produced a diary in Court which was with
regard to the payment of rent and he wanted to compare the writing of the
respondent, which is purported to be of the said respondent-tenant, has been
dismissed.

It is the contention of the learned counsel for the petitioner that the permission which has been sought by the petitioner is primarily to test the authenticity of the writing in the diary which has been produced by the respondent in the evidence led by him. He contends that alongwith the application, the report of the Handwriting and Fingerprint Expert was also appended. He, therefore, states that with the dismissal of the application, petitioner has been deprived of an opportunity to rebut the assertion, had this been the pleaded case of the respondent. He, thus, prays for setting aside the impugned order and permitting the petitioner to examine the Handwriting and Fingerprint Expert for the purpose referred to above.

Notice in this petition was issued to the respondent who has been duly served through his counsel before the Rent Controller. The case had been called twice in the pre-lunch session and now the case has been again taken up in the post-lunch session but none has put in appearance on behalf of the respondent.

Having considered the submissions made by the counsel for the petitioner and on going through the impugned order, the contention as raised by the counsel for the petitioner is accepted. It is not in dispute that the respondent has produced a diary in Court during his evidence and the petitioner only wants to verify the correctness and authenticity of the writing of the respondent which deals with the rent having been paid to the petitioner for which the application is being moved for leading evidence and permission to examine the Handwriting and Fingerprint Expert.

The present petition is, therefore, allowed. The impugned order

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dated 15.11.2016 passed by the Rent Controller, Charkhi Dadri, is hereby set aside. The application of the petitioner seeking permission to examine the Handwriting and Fingerprint Expert is allowed. Let the petitioner lead his evidence in the form of production of Handwriting and Fingerprint Expert on the next date of hearing fixed before the Rent Controller, Charkhi Dadri, i.e. 17.01.2017.

December 20, 2016

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No