

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

CR No. 8176 of 2014 (O&M)  
Date of Decision: March 11, 2016

Trilok Chand

...Petitioner

Versus

Dr. Daman Yadav

...Respondents

**ORAM:- HON'BLE MR. JUSTICE K. KANNAN**

Present: Mr. PR Yadav, Advocate,  
for the petitioner.

Mr. Amit Jain, Advocate  
for the respondent.

**K. KANNAN, J. (Oral)**

1. The revision is against the order declining to appoint a hand writing expert of the State Forensic Science Lab (SFSL) to give a report on the disputed signatures with the admitted signatures of the party. This was brought at the stage of rebuttal and argument by the plaintiff when there were two reports on the file, one conflicting the other. One report was given by an expert brought by the plaintiff and the another report taking a opposite view predictably by an expert brought by the defendant. The petitioner relied on a judgment of this Court in Chamkaur Singh Versus Mithu Singh in CR No. 3434 of 2013 decided on 29.10.2013 wherein it was held that there would require to be a regulatory body comprising of experts in SFSL and Central Forensic Science Lab (CFSL) to examine documents and give report in case of conflict reports presented in the Court. The trial court re-produced this judgment but held all the same that in Chamkaur Singh's case parties had consented to the expert being appointed for

examination after conflicting report had been brought on the file but in this case one party was contesting the appointment of an expert.

2. It will be reading the law wrongly that power of the court to appoint an expert would be conditioned at all times by the fact that both the parties consented to the appointment and if there is any objection, the court will lose its power to appoint an expert. On the other hand, the law brought out in Chamkaur Singh's case was an expression of a procedure that could be laid down for future guidance, when the courts are confronted with conflicting reports. That procedure involved reference of disputed documents for comparison with admitted signatures to a regulatory authority comprising of qualified registered professionals and consensus of opinion of the board of experts under the supervision of such a regulatory body. It is true that there is no particular expert regulatory authority in place right now. It must be an executive decision and I do not find that there is any scope as of now to constitute such regulatory body in a civil suit. Such action will be taken in appropriate proceedings in future.

3. For the present, it will be sufficient that in the light of conflicting reports, the petitioner's prayer for consideration of examination of the disputed document with the document containing the admitted signatures to be secured through an expert examination by reference to the State Forensic Science Lab at Madhuban in Karnal. Needless to state that this exercise ought not to be understood as making the opinion invincible. It shall be open to usual interpretation and assessment of an expert evidence and the court will exercise its own discretion on the basis of the report and the evidence brought through such expert after giving an opportunity to cross examine the expert by any person interested in doing so.

4. The order already passed is set aside and the revision is allowed  
but with the above observations.

**March 11, 2016**  
prem

**(K.KANNAN)**  
**JUDGE**