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

Civil Revision No.1519 of 2015(O&M)

Date of decision: 11.5.2017

Subhash Chand Saini

...Petitioner

Versus

Devinder Kumar Bajaj and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. J.S.Dadwal, Advocate for the petitioner.

Mr. Shashank Sharma, Advocate for
Mr. Arun Luthra, Advocate for respondent no.3.

G.S.SANDHAWALIA, J. (Oral)

The present revision petition filed by the tenant challenges the order dated 6.2.2015 passed by the Rent Controller, Chandigarh whereby an application moved by the respondent-landlord for examining the expert witness in rebuttal evidence has been allowed.

The reasoning given by the Rent Controller, Chandigarh was that the rent note dated 30.10.2004 (Ex. P1) interse the parties had been denied by the respondent. He had given his specimen signatures during his cross-examination and therefore the opinion of the expert would be of utmost relevance. It was also noticed that the application was filed immediately after the cross-examination of the present petitioner.

A perusal of the cross-examination dated 12.9.2014 of the present petitioner would go on to show that he had admitted that he could write his name in English and he had accordingly given six specimen signatures on Ex. RW1/A. He had specifically denied his signatures on Ex.

Devinder Kumar
I attest to the accuracy and integrity
of this document
Punjab and Haryana High Court,
Chandigarh

P2. It is submitted that Ex. P2 is the record pertaining to booth No.158 Palika Bazar, Sector 19-C, Chandigarh which was produced by the Secretary, Palika Bazar, Sector 19-C, Chandigarh and the said booth is the subject matter of the eviction petition. It is in such circumstances, the application was filed for leading rebuttal evidence to prove the signatures of the present petitioner on the rent agreement.

As noticed once there is a dispute as such regarding the rent deed itself, it would only help the Court to adjudicate upon the fact that whether the present petitioner had signed on the said rent note and whether he is bound by the same. It would only help the Court to come to a valid conclusion regarding the dispute interse the partes. Therefore, the argument as such that the said exercise was to be done at the initial stage is of no value.

The signatures had come on record during cross-examination and the application was filed immediately thereafter. Counsel for the respondent points out that in pursuance of the impugned order, hand writing expert has already submitted affidavit in affirmative along with report as such giving opinion on the disputed signatures.

It is submitted that in view of interim order thereafter passed proceedings were stayed.

In such circumstances, this Court is of the opinion that the impugned order dated 6.2.2015 (Annexure P/4) which was passed as such does not suffer from any material illegality or irregularity which would warrant interference by this Court. The said exercise which has now been done would only help the Court to adjudicate upon the controversy in

question on merits.

Accordingly, the present revision petition is dismissed.

May 11, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No