

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.1404 of 2014 (O&M)
Date of Order:01.12.2017

Sandip Singh

..Petitioner

Versus

Gurnek Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Hitesh Kaplish, Advocate,
for the petitioner.

Mr. M.L.Saggar, Sr. Advocate, with
Ms. Veenu Garg, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

Plaintiff-petitioner is in revision petition against the order dated 04.01.2014, refusing permission to lead additional evidence so as to examine Handwriting and Finger Print Expert to compare the signatures of Gurnek Singh, from the original agreement dated 10.12.2002 and for permission to tender into evidence certified copy of the plaint of Civil Suit No.166/01.08.2009.

Learned trial Court after discussing various aspects of the matter, dismissed the application.

I have heard counsel for the parties at length and with their able assistance gone through the documents available in the paper book.

It is not in dispute that the plaintiff had filed a suit for recovery of Rs.14 lacs, claiming that the amount was paid as earnest money pursuant to the agreement to sell dated 10.12.2002. In the written statement,

execution of the agreement to sell was denied.

After framing of the issues, parties were allowed to lead evidence and both the parties had led their evidence, plaintiff filed this application. Plaintiff was in the knowledge of the fact that execution of the agreement to sell is being disputed by the defendant, therefore, this fact was in the knowledge of the plaintiff. However, plaintiff while leading his evidence did not produce any Handwriting and Finger Print Expert. Taking into consideration the aforesaid fact, the learned trial Court dismissed the application.

Although, learned counsel for the petitioner has submitted that such additional evidence would help the Court in adjudicating the dispute, however, before a permission to lead evidence is granted, the party is required to satisfy the Court as to why such evidence was not led when opportunity was given and why this evidence is necessary.

In the considered opinion of this Court, opinion of an expert is not binding on the Court. It is merely an opinion, which has only corroborative value. The signatures of the defendant are sought to be compared. Comparison of signature is not perfect science.

Learned counsel for the petitioner has further submitted that there was a additional prayer in the application for permission to produce the certified copy of the plaint of Civil Suit No.166/01.08.2009 in additional evidence.

Learned counsel for the respondent does not have serious objection for production of such plaint.

In view of what has been recorded above, the revision petition is partly allowed and the plaintiff is permitted to produce in evidence

certified copy of the plaint of Civil Suit No.166/01.08.2009.

With these observations, the revision petition is disposed of.

December 01, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No