

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

CR No.2477 of 2016
Date of decision :04.10.2017

Dalbir Singh

...Petitioner

Versus

Baljit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Kumar Saini, Advocate
for the petitioner.

Mr. Rahul Sharma, Advocate
for respondent.

ANIL KSHETARPAL, J. (Oral)

Defendant-petitioner is in revision petition against the order dated 23.02.2016. Petitioner filed an application for permission to examine the agreement to sell dated 10.11.2010 from finger print and handwriting expert.

Learned trial Court dismissed the application while recording as under:

“I've heard contention of both the counsels and have gone through the case file. The main defence of the applicant in the written statement at page Para 3 of preliminary objections is that the original agreement to sell dated 10/11/2010 has been forged and fabricated. Perusal of the affidavit filed by the defendant he has not denied execution of agreement to sell but has stated that one line has been added. It is not the case of applicant that this line is not in handwriting of Baljeet Singh and

signatures of Dalbir Singh are there beneath this line. There is no difference in spacing of the words as such. Handwriting expert can give opinion only regarding the handwriting but to know the age of written document/Ink, for this purpose report of chemical expert is required. Handwriting expert cannot give opinion as to time of writing it being the Avenue of chemical expert which is outside the purview of expertize of handwriting expert. Hence the present application being without any merit is dismissed. Now, to come up on 17.03.2016 for DWS.”

This order is under challenge before me.

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

It is not in dispute that the agreement to sell is an admitted document. It is further not in dispute that the defendant admitted receipt of additional amount of Rs.1,00,000/-.

In the written statement, defendant pleaded that the endorsement for the extension of last date for registration and execution of the sale deed is added later on by the plaintiff in his own hand. Plaintiff admitted this fact. Plaintiff has admitted that the entire endorsement is in fact with his own hand.

In these circumstances, once there is no dispute either regarding the author of the handwriting or regarding the signature of any of the parties, no useful purpose would be served in permitting the defendant to

produce handwriting and finger print expert.

For the reasons recorded above, I do not find any good ground to interfere with the impugned order passed by the learned trial Court.

Hence, the revision petition is dismissed.

04.10.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes
Whether Reportable : No