

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 119

Civil Revision No.2280 of 2017 (O & M)
Date of Decision: April 25, 2017

Gurmail Kaur

..... PETITIONER

VERSUS

Mukand Singh (now deceased) through his LRs & another

..... RESPONDENTS

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

. . .

PRESENT: - Mr. B.D. Sharma, Advocate, for the applicant –
petitioner.

. . .

Jaspal Singh, J (Oral)

CM No.8868-CII of 2017

Application is allowed as prayed for.

CM No.8869-CII of 2017

Application is allowed.

Annexure P-4 to P-6 are taken on record.

CR No.2280 of 2017

1. By virtue of instant revision preferred under Article 227 of the Constitution of India, petitioner has sought setting of order dated March 06, 2017 passed by the Civil Judge (Senior Division), Sangrur whereby an application filed by the petitioner – plaintiff for discarding the statement of Mr. Navdeep Gupta, Handwriting & Finger Prints Expert recorded as

2. Undisputably, earlier PW-4, Dr. Inderjit Singh, was examined by the petitioner – plaintiff who has produced and proved his report on record Ex.P-14, in respect of the thumb impression(s) of the executant of the Will dated March 08, 2009. Subsequent thereto, petitioner – plaintiff also examined Dr. Vikram Ran Singh Chauhan, Handwriting & Finger Prints Expert, who has submitted a detailed report Ex.PW-7/1, including the other aspects. In rebuttal to the said evidence, earlier the respondents – defendants examined Mr. Navdeep Gupta, Handwriting & Finger Prints Expert, only for the limited purpose to examine the thumb impression(s) of deceased Gurmail Singh appearing on the Will, who produced his report Ex.DW-8/A alongwith enlarged photographs of the disputed and specimen thumb impression(s). Mr. Navdeep Gupta was cross-examined by the petitioner – plaintiff only to the extent of the said report. Thereafter, the respondents – defendants/counter claimants again examined Dr. Navdeep Gupta to get analysis of the other aspects as well as type writing of the Will dated March 08, 2009, Ex.D-1. It was only at this juncture, petitioner – plaintiff instead of cross – examining the aforesaid witness i.e. Mr. Navdeep Gupta, moved an application for discarding his statement as well as the report.

3. Here it would be pertinent to mention that petitioner – plaintiff has also examined two different handwriting & finger prints experts; one in respect of only thumb impression(s) of Gurmail Singh appearing on Will dated March 08, 2009 (Ex.D-1) and another in respect of other aspects of the Will as well as the type-writing etc. Earlier, the respondents – defendants/counter claimants also cross examined PW-4, Dr. Inderjit Singh for the limited purpose of thumb impression(s) whereas

his report Ex.PW-7/1. Thus, in the given circumstances, respondents – defendants/ counter claimants have also got a right to examine the handwriting & finger prints expert to rebut the detailed report submitted by Dr. Vikram Raj Singh Chauhan by way of examination of a handwriting & finger prints expert. It was only due to the said reason the necessity to examine Mr. Navdeep Gupta, DW-8, arose. Thus, this court is of the considered view that examination of DW-8, Dr. Navdeep Gupta, Handwriting & Finger Prints Expert and the report prepared by him after conducting analysis of other aspects of the Will dated March 08, 2009 as well as type-writing is essential for proper and effective adjudication of the matter in controversy.

4. In the light of what has been discussed above, this Court does not find any infirmity or illegality in impugned order dated March 06, 2017. Accordingly, the instant petition being devoid of any merit stands dismissed.

April 25, 2017
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No