

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR No. 4145 of 2017(O&M)

Date of decision :03.07.2017

Smt. Murti Devi

.....Petitioner

Versus

Suresh Kumar and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Surinder Gandhi, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

On the basis of an application moved by the respondent under Order 18 Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 for examining the Finger Print and Hand Writing Expert in the rebuttal evidence, the learned trial Court has passed the impugned order dated 22.05.2017 directing to send the disputed thumb impression and signatures on the agreement to sell in question to Forensic Science Laboratory, Madhuban for comparison with the admitted thumb impression and signatures of deceased-Jai Parkash.

2. Though, in the impugned order, it has been mentioned that the said opportunity has been granted to lead the additional evidence to the plaintiff-respondent. But, in-fact it is a discretion exercised by the learned trial Court in the larger interest of the justice and has decided to send the disputed thumb impressions and signatures of deceased-Jai Parkash for comparison with his admitted thumb impressions and signatures in order to arrive at the just conclusion of the case.

3. Forensic Science Laboratory, Madhuban is a Government

laboratory. Petitioner could have no grievance if the Court has exercised its discretion to seek the opinion of the Government Forensic Science Laboratory, Madhuban. Consequently, the impugned order does not suffer from any illegality. Therefore, it does not call for any interference by this Court.

4. Thus, the present revision petition having no merits, is hereby dismissed. However, there is no dispute as this opportunity has been granted by the learned trial Court to the plaintiff-respondent to lead the additional evidence. The petitioner-defendant will also have a right to lead her evidence in rebuttal to the said additional evidence.

03.07.2017

S.khan

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No