

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-6590-2016 (O&M)
Date of Decision:- 27.09.2017

Sharat Kakkar

.....Petitioner

Versus

Rippa Sharma and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

Mr. Deepak Sharma, Advocate
for respondent No.1.

RITU BAHRI, J. (Oral)

Present revision petition under Article 227 of the Constitution of India for setting aside the impugned order dated 05.08.2016, passed by learned Civil Judge (Sr. Division), Ambala, whereby the evidence of the petitioner-defendant has been closed

It has been observed in the impugned order that after the plaintiff was closed his evidence on 25.05.2013, the defendants had availed 28 effective opportunities, subject to payment of cost but they failed to examine the handwriting expert.

Moreover, perusal of the zimini orders reproduced in paragraph No.5 of the present revision petition shows that on 23.03.2016

expert Devendra Prasad has taken photographs and seeks at least one week time to prepare report. Thereafter, the matter was adjourned for 06.04.2016, 18.04.2016, 07.05.2016 and 30.05.2016. Finally, on 05.08.2016, the impugned order has been passed.

Heard.

Taking into consideration the nature of litigation and keeping in view the fact that vide order dated 14.08.2014 the application of the defendants was allowed thereby allowing the expert of the defendants to take photographs of the document (Ex.D5), the instant revision petition is allowed. Impugned order dated 05.08.2016, passed by learned Civil Judge (Sr. Division), Ambala, is hereby set aside. The trial Court is directed to grant one effective opportunity to the petitioner to conclude his evidence by examining handwriting expert Devendra Prasad, subject to payment of cost of ₹5,000/-, to be paid to the plaintiff-respondent No.1.

September 27, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No