

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

CR-6906-2015

Date of Decision:- 04.10.2017

Rakesh Kumar

.....Petitioner

Versus

Sunder

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Sharma, Advocate, for the petitioner.

Mr. Saleem Ahmed, Advocate, for the respondent.

RITU BAHRI, J. (Oral)

Present petition has been filed under Article 227 of the Constitution for setting aside the impugned order dated 21.09.2015 (Annexure P-3), passed by learned District Judge, Nuh, District Mewat, whereby the application for additional evidence under Order 41 Rule 27 of the Code of Civil Procedure, 1908, filed by the petitioner/defendant, has been dismissed.

Learned counsel for the petitioner has referred to the judgment of the trial Court (Annexure P-1) with respect to the findings given on Issue No.4 whereby the onus to lead the evidence on this issue on the present petitioner-defendant and he has examined the stamp vendor DW-1, who stated that the said paper was purchased by plaintiff Sunder and his signatures was also appended in his register and the

agreement to sell was executed after a lapse of 1½ months. He further stated that the stamp papers were purchased in the name of petitioner- Rakesh Kumar. Since the petitioner had denied the execution of the agreement to sell before the trial Court, so he wants to examine a handwriting and finger print expert to clarify the validity of the signatures and thumb impressions on the agreement in question after comparing the same with the signatures and thumb impressions of the petitioners. Moreover, the said evidence is very much necessary for the proper and effective decision of the present case.

In support of his arguments, he has placed reliance upon the judgments of this Court passed in case **Kripal Singh Vs. Smt. Tarawati & Others**, 2010(1) RCR (Civil) (P&H) 307 and in **Gurdial Singh and others Vs. Mam Chand and others**, 2011(1) RCR (Civil) (P&H) 690.

Heard.

Keeping in view the facts of the present case and the law laid down by this Court in the above-said judgments, the present revision petition is allowed. The impugned order dated 21.09.2015, passed by the learned District Judge, Nuh, District Mewat, is set aside and the petitioner is hereby allowed to produce handwriting and finger expert by way of additional evidence.

October 04, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No