

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

**CR No.688 of 2017**

**Date of decision: February 02, 2017**

**Zorawar Singh**

**....Petitioner**

**Versus**

**Sukhdev Singh**

**....Respondent**

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

Present: Mr. Inderpal Singh Parmar, Advocate  
for the petitioner.

**JASPAL SINGH, J.(ORAL)**

By virtue of the instant civil revision petition preferred under Article 227 of the Constitution of India, petitioner has sought setting aside the impugned order dated 15<sup>th</sup> November, 2016 passed by Civil Judge (Junior Division), Samrala, whereby, the application preferred by the petitioner/plaintiff seeking direction to the respondent/defendant to give his specimen of his right hand thumb impression for comparison thereof with the thumb impression available on the agreement to sell dated 4<sup>th</sup> May, 2012 as well as endorsement dated 10<sup>th</sup> May, 2013 on the back of the agreement to sell, has been declined.

A perusal of the impugned order dated 15<sup>th</sup> November, 2016 transpires that the request of the petitioner has been simply declined for obtaining the specimen of right thumb impression on the ground that the petitioner/plaintiff has not placed on record any opinion expressed by the Finger Prints and Handwriting Expert according to which the thumb impressions are that of right hand of the defendant on the agreement to sell as well as endorsement in question. In fact, an application for inspection and permission to take the photographs by expert was moved

by the plaintiff/revisionist on 16<sup>th</sup> May, 2016 which was allowed by the Court as there was no objection from the opposite side and endorsement on the said application and the certified copy which is available on record i.e. Annexure P-8 transpires that an endorsement was made on the application by the expert that he has inspected and has taken the photographs of the disputed thumb impressions but he further observed that the disputed thumb impressions are of right thumb, whereas, the standards are of the left thumb available in the file. As such, right thumb impressions are required for the comparison purposes. It appears that learned trial Court could not take into consideration the said endorsement due to some oversight or otherwise.

Accordingly, order dated 15<sup>th</sup> November, 2016 is *set aside* and the learned trial Court is directed to do afresh recording of the statement of defendant-Sukhdev Singh with regard to his willingness to give his right thumb impression for the comparison purpose and then to decide the afresh application.

The needful be done within one month from the date of receipt of certified copy of this order.

Disposed of.

**February 02, 2017**  
*m. sharma*

**(JASPAL SINGH)**  
**JUDGE**

|                                  |          |               |
|----------------------------------|----------|---------------|
| <b>Whether Speaking/Reasoned</b> | <b>:</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>:</b> | <b>Yes/No</b> |