

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.7036 of 2017
Date of Decision:10.10.2017**

Nirmaljit Kaur

...Petitioner

Versus

Rajinder Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Sharad Mehta, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Instant civil revision petition, at the hands of plaintiff, filed under Article 227 of the Constitution of India, is directed against the order dated 4.9.2017 (Annexure P-1), whereby application of the defendant to examine the Handwriting Expert was allowed.

Heard learned counsel for the petitioner.

It is a suit for recovery filed by the plaintiff-petitioner, which is pending before the learned trial court. Plaintiff has already concluded her evidence. Defendant's evidence was going on. It was during this period, defendant moved an application before the learned trial court, seeking permission to examine Handwriting Expert so as to get compared his signatures on extension of agreement to sell dated 12.3.2010 and receipt of an amount of Rs.2.58 lacs. Agreement to sell was not in dispute but extension thereof and receipt of amount was being disputed by the defendant-respondent. Once there was a serious dispute between both the

parties in this regard, the learned trial court committed no error of law, while passing the impugned order, permitting the defendant to examine Handwriting Expert. In fact, it was the learned trial court, who felt necessity of examining the Handwriting Expert, so as to arrive at a judicious conclusion to do substantial justice between the parties. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It is the settled principle of law that rules of procedure are meant for advancing the cause of justice. Both the parties to the litigation are entitled to put up their best case before the court. So far as the present case is concerned, no prejudice is likely to be caused to the plaintiff-petitioner by passing the impugned order by the learned trial court. Once the learned trial court has found the testimony of Handwriting Expert to be necessary for effective decision of the case, no fault can be found with the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order is supported by sound reasons, because of which no fault can be found with it and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant civil revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, the present civil revision petition stands dismissed, however, with no order as to costs.

10.10.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No