

CR No. 7866 of 2017
Date of Decision: 14.11.2017

Shamim Ahmad and others

---Petitioners

versus

Sukh Ram and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Raman Mohinder Sharma, Advocate
for the petitioners**

Rekha Mittal, J.

The present petition directs challenge against order dated 10.10.2017 passed by the Additional Civil Judge (Junior Division), Indri whereby application filed by the petitioners/plaintiffs for leading additional evidence has been dismissed.

Counsel for the petitioners has submitted that as the sale deed dated 6.7.1988 executed by Bashir Mohd. @ Bashir Ahmad was not to the knowledge of the petitioners/plaintiffs at the time of leading evidence, the said document was not used by the handwriting and finger print expert Ram Dhan Babbar PW3 for the purpose of comparison of the disputed thumb impression on the sale deed No. 1414/1 dated 7.7.1970. It is further submitted that no prejudice shall be caused to the respondents/defendants if the petitioners are permitted to get the comparison of thumb impression on disputed sale deed made with sale deed dated 6.7.1988 and examine Ram Dhan Babbar PW3 again.

I have heard counsel for the petitioners and perused the paper book particularly the order impugned but find that the petition is devoid of merit and liable to be dismissed.

Counsel for the petitioners is not in a position to advance any arguments much less meaningful for permitting examination of the so called expert again on the basis of comparison of disputed thumb impressions with another document i.e. sale deed dated 6.7.1988 purported to be executed by Bashir Mohd. and another witness to prove the sale deed to be used for the purpose of comparison. Additional evidence is not to be allowed merely because it does not cause prejudice to the other side. In this view of the matter, I do not find any error much less illegality in the impugned order warranting intervention.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine

(Rekha Mittal)
Judge

14.11.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No