

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

**Civil Revision No. 1522 of 2017 (O&M)
Date of decision : 15.03.2018**

Suman Sharma and another

..... Petitioners

versus

**Mohan Lal(since deceased) now represented by
his LRs Sharwan Kumar and others**

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Rakesh Bakshi, Advocate for the petitioners.

Mr. Sanjiv Kumar Yadav , Advocate for respondents No. 1 to 5.

KULDIP SINGH, J. (Oral)

Impugned in the present revision is the order dated 09.02.2017 passed by Civil Judge(Junior Division), Ambala vide which application filed by the plaintiffs to engage Dr. Jassy Anand's Forensic Consultancy (Forensic Expert) to compare the signatures/thumb impressions of Mohan Lal-defendant on the written statement, power of attorney with the disputed signatures/thumb impressions on agreement to sell dated 25.05.2006 and gift deed dated 18.01.2007 executed by Mohan Lal in favour of his son Sharwan Kumar, was dismissed.

Today copy of the order has been produced which shows that after the framing of the issues on the first date of hearing, the said application was filed. Learned counsel for the petitioners contends that no permission of the Court was required and in fact, after filing of the

application the same was never pressed. Plaintiffs were granted as many as 21 opportunities and thereafter their evidence was closed by order. It was thereafter that this application was pressed. I am of the view that once application is filed, it was the duty of the Court to dispose of the same one way or the other. When the application was filed, the Court could state that no such permission was required and plaintiffs could lead evidence. Since the application was not decided, the plaintiffs failed to lead evidence of the expert. In this way plaintiffs cannot be blamed for the non disposal of the application and they have the right to produce the expert evidence to compare the disputed thumb impressions/signatures.

As such the impugned order is set aside. The plaintiffs are permitted to examine Dr. Jassy Anand's Forensic Consultancy as a witness for comparing the signatures/thumb impressions of Mohan Lal defendant on the written statement/power of attorney with the disputed signatures/thumb impressions on the agreement to sell and gift deed. As such the revision is allowed.

Since the main revision has been allowed, therefore, pending application, if any, also stands disposed of.

**(KULDIP SINGH)
JUDGE**

15.03.2018
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No