

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

CR no.2416 of 2016

Date of Decision: 21.11.2018

Jatinder Singh

...Petitioner

Vs.

Gurmeet Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Manuj Nagrath, Advocate,
for the petitioner.

Mr. Malkeet Singh, Advocate,
for the respondent.

Amol Rattan Singh, J (Oral)

By this petition, the petitioner challenges the order dated 11.02.2016 passed by the learned Civil Judge (Jr. Divn.) Amritsar, vide which the application filed by the petitioner for examining a hand writing expert and finger print expert has been dismissed.

Mr. Nagrath, learned counsel for the petitioner, submits that the respondent-plaintiff having examined a hand writing expert who gave his report, even though the said expert was cross-examined by the petitioner-defendant, the petitioner could not have been ousted from examining a finger print expert as regards the opinion on the signatures of the documents in question, with obviously thereafter the trial court to adjudicate upon whether either of the reports was to be accepted or not.

He relies upon judgments of coordinate Benches of this Court,

in Joginder Kaur v. Jaswant Singh, 1998 (2) RCR (Civil) 391, Chamkaur Singh v. Mithu Singh, 2014 (1) RCR (Civil) 303 and Kapoor Lamp Shade Co. v. M/s Bhanu Films and another, (CR no.4966 of 2009, decided on 09.04.2010), to submit that if one side examined an expert, the other side has an equal right to do so.

Mr. Malkeet Singh, learned counsel appearing for the respondent, on the other hand submits that the very person who had cross examined the hand writing expert examined by the respondent-plaintiff, is sought to be examined by the petitioner-defendant, which actually would serve no purpose.

Having heard learned counsel for the parties, though what Mr. Malkeet Singh submits may be correct to a certain extent, inasmuch as the hand writing expert now sought to be examined by the petitioner-defendant having cross-examined the plaintiffs' hand writing expert, he would have put questions pertinent to the issue, however, for bringing on record and supporting by way of positive evidence, the report of the hand writing expert "of the petitioner (defendant)" obviously such expert would need to be examined.

Consequently, in order to give an opportunity to the petitioner to duly examine his own hand writing expert, this petition is allowed, with the impugned order set aside.

The petitioner is granted one opportunity to examine the hand writing expert, whose report is also sought to be placed on record by way of evidence.

It is made clear that nothing stated hereinabove will be taken to

be an observation on the merits of the case, either in favour or against any of the parties to the *lis*. Naturally, the trial Court would adjudicate upon the matter wholly upon the basis of evidence led before it.

21.11.2018
vcgarg/dinesh

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : No