

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

122

CR No.3900 of 2015 (O & M)
Date of Decision:16.05.2018

Amit Lamba

...Petitioner

Versus

Sunder Lal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Suvir Sehgal, Senior Advocate with
Mr. Akshay Sethi, Advocate
for the petitioner.

Mr. Tapish Gupta, Advocate
for the respondents.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-petitioner is in the revision petition against the order passed by the learned trial Court refusing opportunity to the plaintiff-petitioner to get the signatures of the defendant compared from a hand writing and finger print expert.

The contention of learned counsel for the petitioner has aptly been noticed by this Court while issuing notice of motion on 04.06.2015, which is extracted as under:-

“Learned counsel for the petitioner has drawn the attention of this Court to the cross-examination of defendant. According to him, the defendant has unequivocally admitted his signatures at three points but denied his hand-writing on the endorsement though he is volunteered to give his specimen signatures.

Accordingly, an application (Annexure P-5) dated 22.01.2015 was moved which has been dismissed on the premises that it has been filed belatedly.”

This Court has seen the cross-examination of the defendant as well as photocopy of the agreement to sell. The agreement to sell runs into two pages and there is a separate receipt. Defendant admits his signature on the agreement to sell as well as on the receipt. However, he disputes his signatures on the endorsement by which target date for execution and registration of the sale deed was extended by two months.

Learned counsel for the respondents has, however, submitted that at this stage the application should not have been entertained particularly when the evidence of the plaintiff was closed by order.

Learned counsel for the petitioner has submitted that the application was moved when the defendant was being cross-examined and he denied his signatures on the endorsement. Subsequently, he submitted that if the evidence of the defendant has been closed that should not come in the way of the petitioner particularly when the application was moved immediately when the defendant denied his signatures.

Taking into consideration the aforesaid facts, the order under challenge is set aside. Petitioner is permitted to get the signatures of the defendant examined from a handwriting and finger print expert and produce and prove the aforesaid report.

Revision petition is allowed.

16.05.2018
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(ANIL KSHETARPAL)
JUDGE