

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CR-4162-2018

Date of decision : 05.07.2018

Dalbair Saroha

... Petitioner

Versus

Harnanadi

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Rajwant Singh Chahal, Advocate
for the petitioner.

AMOL RATTAN SINGH, J.(ORAL)

By this petition, the petitioner seeks the setting aside of the impugned order dated 11.05.2018, passed by learned Civil Judge (Junior Division), Sonapat, whereby the application for grant of permission to compare the disputed thumb impression with the original thumb impression of Harnandi, by a fingerprint expert, was dismissed.

Admittedly, the written statement was filed by the respondent on May 03, 2013 and the power of attorney carrying the thumb impressions of the defendant-respondent, Harnandi, was also submitted (in favour of her son) to the Court on August 10, 2017, with the application for examination of a finger print expert in respect of the thumb impression on the written statement and power of attorney only having been filed in February 2018, after even defence evidence had been closed, with the application being filed at the time of rebuttal evidence of the petitioner-plaintiff.

In view of the fact that ample opportunity was available to the

attorney had been placed on record in August 2017, and he did not avail of the said opportunity till after defence evidence was closed, the application is obviously only to delay proceedings as has been held by the learned Civil Judge. Though the petitioner is stated to have cross-examined the attorney of respondent no.4 on the issue of the thumb impression not being that of his mother, yet the application having come at a stage at the fag end of the proceedings before the Civil Court, where the suit has been pending at least for the past 5 years, I see no reason to entertain this petition.

Consequently finding no merit, the petition is dismissed.

(AMOL RATTAN SINGH)
JUDGE

July 05, 2018.

D.K.

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No