

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5351 of 2018

Date of Decision: 20.08.2018

Nirmal Singh

.....Petitioner

Vs.

Amarjit Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Satraj Singh Toor, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the Additional Civil Judge (Senior Division), Dera Bassi, dated 31.07.2018 (copy Annexure P-1), by which respondent-defendant no. 1 has been allowed to have a document (*Ikrarnama Aapsi Gharelu Vand*) examined from a Finger Print and Document Expert, after a similar application of the petitioner-plaintiff had been allowed earlier.

Learned counsel for the petitioner points to the fact that after that application was allowed by the trial Court, respondent no. 1 herein had challenged the said order by way of CR No. 988 of 2018, which was disposed of on 15.02.2018 by passing the following order:-

“During the course of submissions, learned counsel for the petitioner has made statement withdrawing the present petition. However, a fervent prayer has been made out that an Expert so sought to be examined to compare the alleged thumb impression of Dev Singh on the documents

in question should be got done from a Government agency of repute to thwart any such misunderstanding in the minds of the parties pertaining to the issue by leading private evidence by each of the parties.

In view of the submissions, the present petition stands dismissed as withdrawn with the directions to the trial Court to ensure that the documents in question be got examined from the Government agency of repute in accordance with law.”

He thus submits that as regards the present petition he restricts his prayer to the extent that just as the petitioner had been allowed to examine a Finger Print and Document Expert from a Government agency of repute, the respondent-defendant no. 1 also be granted only such liberty.

That being so and in view of the aforesaid order of this Court passed in CRR No. 988 of 2018, I see no reason to not allow this petition even without issuing notice to the respondents, to the extent of the aforesaid prayer made in Court today.

Consequently, this petition is disposed of with a direction that respondent no. 1, in terms of the order of the trial Court, Annexure P-1, would examine a Finger Print/Document Expert qua the aforesaid document, with the said expert belonging to a reputed Government agency only.

August 20, 2018
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes