

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 118

CR-6114-2018

Date of decision : 13.09.2018

Ravinder Kumar

..... Petitioner

VERSUS

Surjit Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. K. B. Raheja, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 01.08.2018, passed by the Civil Judge (Senior Division), Ferozepur (for short, the Trial Court), through which an application filed by the petitioner seeking permission to inspect the case file; take photographs of the original agreement to sell; getting the same examined from a handwriting and fingerprint expert and then to lead such expert evidence in his defence, has been dismissed.

The facts in brief which are required to be noticed for adjudicating upon the present petition are that the respondent filed a suit seeking therein possession by way of specific performance of agreement to sell dated 24.12.2009, pertaining to the property detailed and described in the headnote of the plaint. While the petitioner/defendant was leading his evidence, an application was filed by him seeking permission of the Trial Court to inspect the case file; to take the photographs of the original agreement to sell; to get the same examined from a handwriting and fingerprint expert and then lead such expert evidence in his defence. Such application was dismissed by the Trial Court, occasioning the filing of the present petition.

Learned counsel for the petitioner submits that the Trial Court erred in rejecting the aforesaid application filed by the petitioner as the same had been filed while the petitioner in the course of leading of his own evidence and that he would have got examined the photographs of the original agreement from a handwriting and fingerprint expert at his own expense.

The afore submissions made by learned counsel for the petitioner have been considered but no merit in the same is found.

The respondent filed a suit seeking therein specific performance of an agreement dated 24.12.2009. On being put to notice, the petitioner who was the defendant in the suit appeared before the Trial Court and filed his written statement through which he denied the aforesaid agreement and further set up a case that his signatures had been taken by the respondent/plaintiff on a blank stamp paper which had been misused by him. After framing of issues by the Trial Court, the respondent led his entire evidence. Thereafter while the petitioner was leading his evidence, he filed an application seeking permission of the Court to inspect the file; take photographs of the original agreement; get the same examined from a handwriting and fingerprint expert and then lead such expert evidence in his defence.

Learned counsel for the petitioner has produced a copy of the agreement in question after perusal of which it is found that the same is a typed document and therefore it is a cause of wonder as to what useful purpose would be served by getting such document examined by a handwriting and fingerprint expert especially when the signatures on the

same are admitted by the petitioner. It appears that the petitioner is only attempting to delay the final decision in the trial. Even otherwise, it is not disputed that both the attesting witnesses of the agreement in question in their examinations-in-chief have vouched with regard to the genuineness of the agreement and that they have been cross-examined at length by learned counsel appearing on behalf of the petitioner before the Trial Court. Such evidence which has already come on the record is considered enough to determine whether the agreement in question is a result of fraud as alleged by the petitioner.

In view of the above, no merit is found in the present petition.

Dismissed.

13.09.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes	/	No
Whether reportable	:	Yes	/	No