

241

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

**Civil Revision No.7143 of 2016
Date of Decision: 23.08.2018**

Pritpal Singh

.....Petitioner

Vs

Amarjit Kaur

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. R.P. Singh, Advocate
for the petitioner.

Mr. R.K. Arya, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. Defendant is in revision petition against the order dated 20.09.2016 passed by the Civil Judge (Jr. Divn.) Gurdaspur whereby application for permission to examine handwriting and finger print expert for comparison of signatures was dismissed.

[2]. Learned counsel for the petitioner submitted that in the written statement filed by the defendant/petitioner stand of denial was taken in respect of agreement to sell thereby claiming the same to be forged and fabricated document. While leading evidence in affirmative, the defendant/petitioner wants to compare signature appearing in the agreement to sell with admitted signature.

[3]. On the other hand, learned counsel for the respondent submitted that in the reply filed to the application in the aforesaid context, respondent has taken a defence that the defendant has appended different signature with *mala fide* intention.

[4]. I have considered the submission made by learned counsel for the parties.

[5]. The factum of signature being different has been admitted. While leading evidence in defence, the defendant has a right to lead expert evidence *de hors* the stand taken by the plaintiff/respondent in the plaint.

[6]. In view of aforesaid factual details on record, I deem it appropriate to accept the present revision petition. Consequently, the impugned order dated 20.09.2016 passed by the Civil Judge (Jr. Divn.) Gurdaspur is hereby set aside. Defendant/petitioner is allowed to lead expert evidence to examine Hand Writing and Finger Print Expert for comparison of his signature appearing in the agreement to sell with the admitted signature. Normal consequences to follow.

August 23, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No