

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

CR no.7618 of 2018

Date of Decision: 13.11.2018

Mahinder Kumar Bhatia and another

...Petitioners

Vs.

Madan Lal Bhatia and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Arvind Kashyap, Advocate, for the petitioners.

Amol Rattan Singh, J (Oral)

By this petition, the petitioners challenge the order of the learned trial court dated 23.10.2018, by which the petitioners' application for sending the documents in question (Ex.D4/1) to the Forensic Science Laboratory for comparison of the signatures of one Basant Lal, has been dismissed.

Admittedly the petitioners as also the respondents have examined one hand writing expert each after obtaining the opinions of those experts; with the expert examined by the petitioners opining that the signatures on the document were of Basant Lal, but with the expert examined by the respondents opining that the signatures were not his.

Vide the impugned order, the learned trial court has held that eventually it is upto the Court to agree or not to agree with the opinion of an expert, and with the conflicting opinions coming, it would be best left to the Courts' own discretion and opinion to eventually adjudicate upon that

limited issue.

Learned counsel for the petitioners has relied upon a judgment of a coordinate Bench of this Court in **Chamkaur Singh v. Mithu Singh**, 2014 (1) RCR (Civil) 303, to submit that where there are two conflicting opinions, the matter should be referred to a Government expert rather than the Court taking on the responsibility itself.

In my opinion, whereas the principle contained in that judgment is obviously to be respected, however, looking at the fact that Government laboratories are already overburdened with analysis/examination of evidence in criminal cases, with criminal cases remaining pending for a long time simply to await reports of the experts in the Forensic Science Laboratories, it would be unfair to refer even private disputes between two parties to an expert in a Forensic Science Laboratory.

Consequently, the observations of the trial court otherwise being not incorrect in law, to the effect that eventually the Court is not bound by the opinion of an expert but after giving due consideration to such opinion has to arrive at its own conclusion, I see no reason to interfere with the impugned order.

Consequently, the present petition is dismissed.

13.11.2018
vcgarg

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : Yes