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

CR No. 8976 of 2017

Date of Decision: 10.08.2018

Gurlal Singh Manes

....Petitioner

Vs

Nawab Singh Manes

.....Respondent

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

Present: Mr. L.S. Sidhu, Advocate,
for the petitioner.

Mr. Sapan Dhir, Advocate,
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner has assailed the order dated 01.12.2017 passed by Additional Civil Judge (Senior Division), Assandh whereby the application filed by the petitioner to examine handwriting expert to rebut evidence led by the plaintiff in the form of handwriting expert was dismissed.

2. Defendant is in revision petition.

3. The evidence of the plaintiff was closed during proceedings of the suit. A compromise was effected between the parties. The compromise was denied by the defendant. When the defendant was leading his evidence, the plaintiff put the document in question to the defendant and on denial thereof, an

application was filed by the plaintiff to produce Handwriting and Fingerprint expert. The said application was declined by the trial Court.

4. Civil Revision No.3204 of 2016 was filed in the High Court which was allowed.

5. In pursuance of said decision, the plaintiff has examined Handwriting and Fingerprint expert in the context of compromise in question, though the same was cross-examined by the defendant but the defendant in his substantive evidence wants to lead his expert evidence in order to have fair opportunity to establish his case viz. genuineness of compromise in question. The prayer is worth acceptance. The defendant is entitled to lead his evidence of expert to refute the evidence of plaintiff.

6. During course of proceedings, learned counsel for the respondent on instructions from Nawab Singh Manes-respondent states that one opportunity be given to the defendant-petitioner to examine his expert evidence in accordance with law.

7. In the light of aforesaid facts, I deem it appropriate to set aside order dated 01.12.2017 passed by Additional Civil Judge (Senior Division), Assandh and allow the present revision petition with a direction to the trial Court to afford one

opportunity to the petitioner to lead his expert evidence in accordance with law.

8. Both the parties are directed to appear before the trial Court on 24.08.2018.

10.08.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No