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

**CR-611-2019 (O&M)
Date of Decision: 16.10.2019**

Karambir Singh

..... Petitioner

Versus

Roop Kala Devi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Jasneet Mehla, Advocate,
for the applicant-petitioner.

SUDIP AHLUWALIA, J. (ORAL)

CM-2193-CII-2019

Allowed as prayed for, subject to all just exceptions.

CR-611-2019

This revision petition has been preferred against the impugned order dated 04.05.2018 passed by the Ld. Civil Judge (Junior Division), Naraingarh whereby the application of the petitioner-plaintiff for referring the disputed Thumb Impression of the respondent-defendant Roop Kala Devi for Expert's Examination by the FSL at Madhuban, was dismissed.

2. The application had been filed in the backdrop of the fact that the petitioner from his side had led into evidence the report of a Forensic/ Handwriting Expert to the effect that the disputed Thumb Impression of the defendant did match with her specimen Thumb Impression, whereas the respondent's side led into evidence a counter report in which it was opined that the examined Thumb Impressions were different.

3. Ld. Court below in rejecting the petitioner's prayer has

nevertheless reserved for itself the right to examine any witness at a future stage, if necessary, for the purpose of fair disposal of the matter, as can be seen from its observations in Para 6 of the impugned order which are set out below:-

“6.Nevertheless, the court is empowered to call and examine a court witness at any stage of a trial if such witness is deemed necessary for the fair disposal of a civil suit. At the present stage and in the present circumstances, I am not inclined to use such discretionary power. Any change in circumstance may invite use of such discretionary powers at any later stage.”

4. In this view of the matter, this Court finds no reason to interfere with the order since the Court below has itself expressed an opinion that it would be in a position to summon any witness (which could naturally also include a neutral Expert, if so warranted) in the event of any doubts which might arise after perusing evidences of both sides.

5. In the opinion of this Court, therefore, the apprehension, if any, of the petitioner-plaintiff has already been effectively addressed by the Ld. Court below notwithstanding its rejection of the petitioner's specific re-examination of his thumb impression at FSL, Madhuban.

6. Dismissed.

16.10.2019

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No