

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

**CR No.620 of 2019(O&M)
Date of Decision: 12.03.2019**

Narinder Singh

.....Petitioner

Versus

Sukhdarshan Kaur

.....Respondent

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

Present:Mr. Nitesh Singhi, Advocate
for the petitioner.

Mr. Yashpal Thakur, Advocate
for the respondent.

RAJ MOHAN SINGH, J.

[1]. This revision petition has been preferred against the order dated 04.01.2019 passed by Civil Judge (Senior Division), Fatehgarh Sahib vide which cross-examination of DW Gurmeet Kaur, Handwriting and Finger Print Expert at the instance of the plaintiff was declined.

[2]. DW Gurmeet Kaur, Handwriting and Finger Print Expert was present in Court on 20.12.2018 and she tendered affidavit in her examination-in-chief. Copy of the affidavit was supplied to the plaintiff who sought time for cross-examination of

the witness after going through the affidavit. Cross-examination of the witness was deferred on the request of learned counsel for the plaintiff and the witness was bound down for the next date of hearing i.e. 04.01.2019 for cross-examination by the plaintiff and also for remaining evidence of the defendants.

[3]. Perusal of the record would show that report of the expert was not available with the plaintiff and on that premise, the plaintiff sought adjournment, but the trial Court did not consider the prayer for adjournment and treated the cross-examination of DW Gurmeet Kaur, Handwriting and Finger Print Expert as *nil*. The Court while declining the prayer has observed that the affidavit and the report were duly supplied to the learned counsel for the plaintiff and the cross-examination was fixed for 04.01.2019 i.e. the date on which the impugned order came to be passed.

[4]. Perusal of order dated 20.12.2018 would show that learned counsel for the plaintiff sought time to go through the affidavit. In the earlier part of the order, it was observed by the trial Court that copy of affidavit was supplied to learned counsel for the plaintiff. In the absence of any reference to the report of the expert, supply of the report along with affidavit to the learned counsel for the plaintiff would be debated.

[5]. At this stage, without going into the aforesaid

controversy, I deem it appropriate that one opportunity can be given to the plaintiff to cross-examine DW Gurmeet Kaur, Handwriting and Finger Print Expert and for the latch, if any, on behalf of the plaintiff/petitioner, he can be burdened with costs.

[6]. In view of above, impugned order dated 04.01.2019 passed by Civil Judge (Senior Division), Fatehgarh Sahib is set aside. This revision petition is allowed subject to payment of costs of Rs.15,000/- to be paid to the defendants. Plaintiff would be entitled to one opportunity to cross-examine DW Gurmeet Kaur, Handwriting and Finger Print Expert on a date to be fixed by the trial Court after due notice to the parties for the said purpose. However, the aforesaid indulgence would be subject to payment of costs which shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

12.03.2019

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**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**