

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

**Civil Revision No.4489 of 2019  
Date of decision: 22.07.2019**

**Pardeep Kumar Dhawan and others**

**.....Petitioners**

**Versus**

**Pawan Kumar, Through LRs. and others**

**.....Respondents**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Vijay Lath, Advocate,  
for the petitioners.

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**Ritu Bahri, J.**

Challenge in this petition is to the order dated 24.05.2019 passed by the Civil Judge (Junior Division), Rupnagar, whereby application filed by defendants-petitioners for allowing the handwriting and fingerprints expert to take photographs from the Court file in respect of admitted and disputed signatures, has been dismissed.

While passing the impugned order, trial Court has observed that execution of the family settlement dated 24.05.1976 has been duly admitted by by the plaintiffs in para no.11 of the replication. It is for the plaintiffs to prove that they are owner in possession of the suit property and the suit property was self acquired property late Sat Parkash and was not subject matter of family settlement.

Learned counsel for the petitioners, while referring to the

replication (Annexure P-3), states that the plaintiffs have admitted that a family settlement had taken place on 24.05.1976, in which property, except bearing No.2403, was subject matter of the partition. Learned counsel for the petitioners further refers to the oral partition (Annexure P-4) and contends that House No.1403, situated in Krishana Nagar, is subject matter of the dispute between the parties and since the evidence of defendants is going on and the documents of partition have been denied being forged and fabricated, application for examining the handwriting and fingerprints expert should have been allowed.

Keeping in view that the family settlement dated 24.05.1976 is the main dispute between the parties, the impugned order dated 24.05.2019 is set aside and application (Annexure P-7) filed by defendants-petitioners for examining the handwriting and fingerprints expert after taking photographs of the documents, mentioned therein, is allowed subject to costs of Rs.5000/- to be deposited with the District Legal Services Authority, Rupnagar.

Allowed accordingly.

22.07.2019  
ajp

(RITU BAHRI)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No