

In the High Court of Punjab and Haryana at Chandigarh

203

CR-7988-2017 (O & M)

Date of Decision: January 23, 2020

PAWANPAL SINGH

.....PETITIONER

VERSUS

PARAMJIT SINGH AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Satbir Rathore, Advocate for the petitioner.

Mr. Surinder Sharma, Advocate and
Mr. Lovish Rattan, Advocate for the respondents.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 03.10.2017 whereby his application for examination of the handwriting expert had been disallowed.

Learned counsel for the petitioner contends that the petitioner is a non-resident Indian and nephew of the respondents-defendants. He had filed a suit for possession of land measuring 29 kanals and 02 marlas comprised in khewat No.30/29, Khatoni No.56, Khasra No.21//1 (8-0), 2 (8-0), 9/2 (1-0), 21/1 (6-8), 21/2 (1-11), 5/2 (1-6); 2 kanals and 17 marlas out of 07 kanals and 12 marlas being 3/8th share in khasra No.22//25 (7-12), khewat No.31/31, khasra No.64, situated in village Budhobarkat, Tehsil Dasuya, District Hoshiarpur and directing the defendants to deliver the possession of the suit land to the petitioner. He further contends that the respondents-defendants had examined handwriting expert. The petitioner could not earlier examine the handwriting expert and had preferred an application for examination of the

handwriting expert to prove the report tendered by that expert. He prays for only one opportunity to examine the handwriting expert.

Learned counsel for the respondents, however, contends that the petitioner had earlier been given several opportunities to examine the handwriting expert and only now when the matter is fixed for arguments, he moved an application for examination of handwriting expert which is highly belated.

Heard.

The petitioner is seeking only one opportunity to examine the handwriting expert to prove his report, which is already on the judicial file. In the event of the petitioner not being afforded one opportunity to examine the handwriting expert, prejudice would be caused to him.

In view of the above, it would be in the interest of justice, equity and fair play if the petitioner is afforded only one opportunity to examine the handwriting expert.

Consequently, the petition is allowed and the impugned order is set aside. The petitioner shall be afforded one opportunity to examine the handwriting expert subject to payment of ₹ 10,000/- as costs to the Punjab State Legal Services Authority.

Needless to observe that the respondents shall get adequate opportunities to cross examine the witness.

(ANUPINDER SINGH GREWAL)
JUDGE

January 23, 2020

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No