

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

Civil Revision No. 1774 of 2021

DATE OF DECISION :- September 02 , 2021

Satpal

...Petitioner

Versus

Murti Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Mohit Garg, Advocate for the petitioner.

The case has been taken up through Video Conferencing.

In a suit for grant of permanent injunction filed by plaintiff Satpal against his sister Murti Devi and her sons Prem Kumar and Gurucharan Dass which was resisted by the defendants pending in the Court of Additional Civil Judge (Sr. Divn.), Dabwali, the parties had led evidence in support of their respective claim and then the plaintiff moved an application for examining hand writing and finger prints expert in rebuttal evidence for the reason that defendants have denied their signatures on the documents placed on judicial file, therefore, the comparison of their signatures on the documents with their specimen signatures already on file through hand writing expert is necessary for proper adjudication of the case. The application was resisted by the defendants stating that examination of expert at that stage was not permissible since plaintiff could have examined him in affirmative evidence. After hearing both the counsel, the trial Court of Additional Civil Judge (Senior Division), Dabwali vide order dated 20.8.2021 dismissed the application.

Feeling aggrieved, the plaintiff has knocked at the door of this Court by way of filing the instant revision petition.

I have heard learned counsel for the petitioner besides going through the record.

I find that the order passed by the trial Court does not suffer from any illegality or infirmity which may call for interference by this Court while exercising revisional jurisdiction. The order is quite detailed and has been passed keeping in view the factual and legal position. The trial Court has rightly observed that the plaintiff had an opportunity to examine hand writing expert while leading evidence in affirmative. Further more he could have called upon the defendants to admit or deny the documents in question which is not said to have been done. He had an occasion to prove such documents during the course of his evidence. He could not have possibly presumed that the documents would admit their signatures on family settlement dated 1.5.1994 and defendant No. 2 would concede the signatures on demarcation report. The permission to examine hand writing expert was rightly refused by the trial Court even otherwise the nature of the suit is one for grant of permanent injunction wherein main thing is to be seen is as to whether the plaintiff is in established possession of a particular piece of land and question of title is not to be decided. Therefore, the revision petition is doomed for failure and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

September 02, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No