

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

CR-1974-2017 (O&M)

Date of decision: 02.08.2022

Sharda Ram

...Petitioner

Versus

Mahender Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Ghangas, Advocate for the petitioner

Mr. Lokesh Sinhal, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

Through this revision petition, the defendant prays for setting aside the order dated 01.03.2017, passed by the Civil Judge, Junior Division, Faridabad, while refusing him the permission to examine the hand-writing and finger print expert in his evidence. It may be noticed that the case is still at the stage of defendant's evidence.

The plaintiff has filed a suit for grant of decree of permanent injunction restraining the defendants from interfering in his peaceful possession. Defendant no.1 (the petitioner) while filing the written statement claims that his father has had purchased the property from its previous owner. When the defendant was leading evidence, he filed an application asserting that there is an entry of purchase in his diary scribed on 16.09.1950 evidencing payment of Rs.1,000/- to Sh.Balbir Singh, the plaintiff's father. A prayer was made to permit the defendant to compare the thumb impression of Sh.Balbir Singh in the diary with his thumb impression available on the sale deed bearing no.2475 dated 18.08.1971. The trial court has refused the permission on

the ground that such evidence is not relevant.

The defendant wants to protect his possession. He has already asserted that there was some transaction between his father and the previous owner of the property. The defendant wants to prove that by producing a document which allegedly bears the thumb impression of late Sh.Balbir Singh.

Such document is an important piece of evidence. The trial court has committed an error while observing that such evidence is not relevant.

Keeping in view the aforesaid facts, the revision petition is allowed. The order under challenge is set aside. The trial court is requested to grant an opportunity to the petitioner to examine the handwriting and finger print expert.

All the pending miscellaneous applications, if any, are also disposed of.

02.08.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE