

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R.No.5611 of 2018(O&M)

Date of decision: 27.07.2022

Kirti Sharma

..Petitioner

Versus

Arvind Kumar (since deceased) through LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjay Jain, Advocate
for the petitioner.

Mr. Anuj Baliyan, Advocate
for respondent no.2.

ANIL KSHETARPAL, J(Oral)

C.M.No.20198-CII-2019

For the reasons mentioned in the application, which is supported by an affidavit, the application is allowed, subject to all just exceptions. The legal representatives of deceased-respondent no.1-Arvind Kumar mentioned in paragraph 3 of the application are brought on record for the purpose of defending this appeal only.

The amended memorandum of parties is taken on record.

MAIN

The plaintiff's application, in a suit, for permission to examine the Handwriting and Finger Print Expert to compare the signatures of Sh. Arvind Kumar (defendant no.1) on the sale deed dated 28.01.2008 and alleged agreement to sell put forth by Sh. Vishal Gupta with Sh. Arvind Kumar, dated 20.04.2007, has been dismissed by the Court on the ground

that only photocopy of the agreement to sell has been produced and it will not be appropriate to compare the signatures from the photo copy of the document.

The plaintiff has filed a suit for specific performance of the agreement to sell dated 22.10.2007, allegedly executed by Sh. Arvind Kumar. Defendant no.2-Vishal Gupta, claims that there exists a prior agreement to sell from Sh. Arvind Kumar in his favour ie. dated 20.4.2007. Sh. Vishal Gupta has not produced the primary evidence (original agreement to sell). He has taken a plea that Sh. Arvind Kumar is not in possession of the agreement of sell.

It is the duty of the party to produce the document propounded by him failing which the Court can draw an adverse inference.

Keeping in view the aforesaid facts, the revision petition is disposed of.

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

July 27th, 2022

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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>