

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

116

**CR-8313 of 2018 (O&M)
Date of decision: 21.12.2022**

Hans Raj Gupta (deceased) through LRs

..Petitioner

Versus

Balkaran Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Rajesh Sethi, Advocate
Mr. Arun Biriwal, Advocate
Mr. Tushar Gera, Advocate
Mr. Ishan Aggarwal, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

C.M.No.8042-CII-2019

1. The learned counsel representing the respondents prays for permission to withdraw the present application.

2. Ordered accordingly.

MAIN

3. The petitioners herein are the legal representatives of late Sh. Hans Raj Gupta, who was defendant no.1 in a suit filed for grant of decree of specific performance.

4. Sh. Balkaran Singh has filed a suit for specific performance of the agreement to sell dated 05.09.2007, executed by late Sh. Hans Raj Gupta. The execution of the aforesaid agreement was admitted by late Sh. Hans Raj Gupta, while filing the written statement. Smt. Kusum Lata claiming to be the transferee of the property during the life time of late

Sh. Hans Raj Gupta was impleaded as a party. She claims that the suit filed by the plaintiff is in collusion with late Sh. Hans Raj Gupta, who wants to deprive her of the right vested in her.

5. Late Sh. Hans Raj Gupta died. His children from the alleged first wife were brought on record as the legal representatives. Smt. Kusum Lata examined the Handwriting and Fingerprint Expert to prove that the alleged agreement to sell is forged and fabricated. The petitioners (late Sh. Hans Raj Gupta's children from his first wife) requested the trial court to permit them to cross-examine the Handwriting and Fingerprint Expert. The same was declined by the trial Court.

6. This revision petition has been filed challenging the correctness of the aforesaid order. The suit has been filed by Sh. Balkaran Singh. Only he has a right to cross-examine the witness. Once the predecessor of the petitioners has admitted the agreement to sell, they have no right to cross-examine the witness. Moreover, the petitioners' suit for possession with a consequential relief of permanent injunction filed against Kusum Lata and Raj Rani has already been dismissed on 18.10.2022.

7. Hence, no ground to interfere is made out.

8. Dismissed.

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

December 21, 2022
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(ANIL KSHETARPAL)
JUDGE

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