

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Revision No. 2050 of 2019**

**Date of Decision: 22.09.2022**

Surajmal

... Petitioner(s)

Versus

Surender Singh and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Ashish Pannu, Advocate  
for the petitioner(s).

Mr. Surinder Singh Virk, Advocate  
for the respondent No.1 and 2.

**Anil Kshetarpal, J.**

1. The petitioner herein is defendant No.1 in a suit for possession with consequential relief of permanent injunction.
2. The plaintiffs (respondent No.1 and 2 herein) have filed a suit claiming that Smt. Phule daughter of Sh.Jhabar was recorded as owner of the property in the revenue record. She has transferred a part of the land in favour of the plaintiffs vide relinquishment deed dated 29.10.2014. The defendants have contested the suit while asserting that Smt.Phule had sold the land measuring 11 marlas to the defendants' father in the year 1966 by an unregistered sale deed. The plaintiffs have closed their evidence on 04.05.2018. Thereafter, the case was adjourned to 25.07.2018 for the defendants' evidence. The defendants have examined as many as five witnesses on their behalf during the period of three months upto the month

(defendant No.1 in the suit) for permitting the Handwriting and Fingerprint Expert to take photographs of the thumb impressions of Smt.Phule in order to give expert opinion. However, no report was submitted. At that stage, the defendants, after changing the counsel, filed another application for summoning Smt.Phule in order to give her standard/specimen thumb impressions. The trial Court has dismissed the said application on the ground that the defendants have already availed 13 opportunities.

2. The suit was filed in the year 2014, whereas, the issues were framed by the trial Court in the year 2015. The plaintiff was given three years' time to conclude his evidence. However, now when it is the turn of the defendants to lead evidence, the trial Court appears to be in a hurry, which is inappropriate.

3. In the present case, the defendants have examined as many as five witnesses during the period of three months. Thereafter, they have been making attempts to be able to produce the expert's opinion which goes to the root of the case. In fact, the defence of the defendants is only based upon the writing in the year 1966. In such circumstances, the trial Court was required to give another opportunity to the defendants while issuing direction to Smt.Phule to appear before the Court and give her specimen thumb impressions. In order to prove the genuineness of the thumb impressions of Smt.Phule before the Court, the opinion of the Expert is relevant.

4. For the reasons stated above, the present revision petition is allowed and the order dated 05.03.2019, passed by the trial Court dismissing the application filed by the petitioner, is set aside. The trial Court is directed to summon Smt. Phule to give her thumb impressions. Thereafter, the

petitioner shall be given an opportunity to examine the Handwriting and Fingerprint Expert.

(Anil Kshetarpal)  
Judge

September 22, 2022  
“DK”

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