

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

CR No.1675 of 2022

Date of decision: 02.05.2022

Anand Dev

..Petitioner

Versus

Raj Singh and another

..Respondents

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Abhishek Yadav, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA J. (Oral)

By way of this petition, the petitioner (defendant No.1 in the Civil Suit) lays challenge to the order dated 18.10.2021 (Annexure P-4) passed by learned Civil Judge (Junior Division), Rewari (for short 'the trial Court') whereby the application Annexure P-2 moved by him for sending the documents, i.e the family settlement dated 12.09.1994, Exhibit PW-3/A and the copy of the ration card Exhibit R1, to some forensic lab for the comparison of the signatures of the respondent (plaintiff in the Civil Suit) on the same, has been dismissed.

I have heard learned counsel for the petitioner in the present revision petition and have also perused the file carefully.

Learned counsel for the petitioner contends that the plaintiff-respondent has denied his signatures on the above-said family settlement but has admitted his signatures on the documents Exhibited as PW-3/A and R1 and therefore, the same require to be sent to the forensic lab for the comparison thereof but vide the impugned order, the trial Court has

erroneously dismissed the application moved by the petitioner for this purpose and therefore, the said order is not legally sustainable and deserves to be set aside.

However, the above-raised contention is devoid of any merit because the respondent filed a Civil Suit against the petitioner and defendant No.2 for seeking a decree for declaration as well as for the possession of the suit property by way of its partition, along-with the relief of permanent injunction. In para no.4 of his reply to the said application (Annexure P-3), the respondent has asserted that in his replication as filed on 15.02.2019, he had specifically denied the execution of the afore-said family settlement. As mentioned in para no.4 of the impugned order, the petitioner availed as many as 14 opportunities to conclude his evidence and finally, it was closed vide the order of the Court on 02.03.2020. In his above-said application, the petitioner has nowhere specified that he intends to and would be seeking permission to lead additional evidence by way of producing the report of the forensic lab, on the record. It being so, the prayer as made by the petitioner in his said application, does not seem to be justifiable.

As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand stands dismissed.

02.05.2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No