

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

CR-3305-2022 (O&M)

Date of decision: 22.08.2022

Mehar Singh

....Petitioner

Versus

Smt. Babita and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagjeet Beniwal, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

This revision petition has been filed by the plaintiff assailing the correctness of the order passed by the trial court on 21.07.2022, while dismissing the application for forwarding hand-writing and signatures of defendant no.2 on alleged agreement to sell and the admitted signatures of defendant no.1 on the written statement to Forensic Science Laboratory, Madhuban, for comparison. The court has dismissed the application after observing that previous application filed by the plaintiff was allowed and the signatures on the agreement to sell were compared with the signatures of defendant no.1 in the diary of the stamp vendor.

Learned counsel representing the petitioner contends that while dismissing the application, the court has also closed his evidence though he proved the signatures of defendant no.1 in the diary of the stamp vendor, who has now died. The suit is for specific performance of the agreement to sell. Hence, the basic issue which the plaintiff is required to prove is the genuineness of the agreement to sell.

Keeping in view the aforesaid facts, the petitioner is granted

one more opportunity to conclude his entire evidence, subject to payment of Rs.5,000/- as cost. Since the order has been passed without issuing notice to the respondents, they shall have liberty to file an application for recall, if so advised.

Disposed of.

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

22.08.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE