

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

CR-1425-2014 (O&M)

Date of decision: 11.05.2022

Bishan Singh

...Petitioner

Versus

Hira Lal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Kumar, Advocate for the petitioner

Mr. Sandeep Punchhi, Advocate for respondent no.1

ANIL KSHETARPAL, J (Oral)

In a suit for possession by way of specific performance of the agreement to sell, the defendant has denied the execution of the agreement to sell dated 13.09.2008. When the defendant-Bishan Singh was leading his evidence, he filed an application for permission to examine the handwriting and finger print expert, in order to prove that the agreement to sell does not bear his signatures. The court has dismissed the same on the ground that the defendant has denied the execution of the agreement to sell but not denied his signatures. The view taken by the trial court is erroneous. Once the petitioner has denied the execution of the agreement to sell, it includes the denial of the signatures as well.

In any case, the case is at the stage of defendant's evidence. Therefore, the defendant has an opportunity to lead his evidence. While filing an application for examining a handwriting and finger print expert, the defendant has sought an opportunity to permit the expert to take photographs and give his report. Accordingly, the order under challenge

is set aside. Learned trial court is requested to give an opportunity to the petitioner.

Disposed of.

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

11.05.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE