

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

CR-5934-2022(O&M)

Date of decision:-14.12.2022

Sukhjot Singh

...Petitioner

Versus

Jasman Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Vikram Singh, Advocate
for the petitioner.

H.S. MADAAN, J.

1. Briefly stated, facts of the case are that plaintiff Amarjit Kaur had filed a suit against Jasman Singh and others seeking a declaration that agreement to sell dated 31.12.2009 and compromise/agreement dated 11.11.2010 are illegal, null and void and are non enforceable with regard to land measuring 32 kanals 14 marlas situated at village Bela Sariana, Tehsil Mukerian, District Hoshiarpur.

2. On getting notice, the defendants appeared and filed written statement contesting the suit. Issues on merits were framed. The parties had led evidence. During the course of trial defendants No.2 to 4 filed an application for obtaining expert opinion regarding Ex.D2 produced by Jasman Singh dated 6.10.2010.

3. *Inter alia* in the application, the applicant/defendants No.2 to 4 contended that there are two documents on the judicial file having

separate contents dated 6.10.2010, one document is Mark A on the judicial file marked on 25.9.2015 and second is Ex.D2 produced by Jasman Singh, both the documents are forged; there is difference between the body of the disputed documents and the signatures of the persons named in the head-note of the application; the alleged writing is with black doted pen, whereas signatures are photo print which had been taken from another document; those documents are procured by the plaintiff to get the the undue benefit and deprive the rights of the applicant/defendants; plaintiff Jasman Singh tendered the affidavit of one witness Varinder Singh as DW3 and he was partly cross-examined and later on was given up by Jasman Singh plaintiff and for the just and proper adjudication of this case, it is necessary to obtain expert opinion regarding Ex.D2 dated 6.10.2010 and no prejudice would be caused to the plaintiff.

4. The application was resisted by the plaintiff.
5. After hearing arguments, the trial Court vide the impugned order dismissed the application holding that application had been filed just to prolong the matter and delay the proceedings, which are already at the stage of rebuttal evidence, if any, otherwise for arguments..
6. Such order left defendant No.3 aggrieved and he has challenged the said order by way of filing the present revision petition.
7. I have heard learned counsel for the petitioner besides going through the record.
8. It is to be taken note of that the case is quite old. The parties have already led their evidence and now the case is at the stage of rebuttal

evidence as well as for arguments. The defendants got opportunities to lead evidence in support of their claim. After closing their evidence, they cannot move such type of application for obtaining expert opinion regarding Ex.D2. During the course of arguments, learned counsel for the revision petitioner was asked as to under what provision of CPC, the application is maintainable. He was unable to give any satisfactory reply to the query. The application was misconceived and was rightly dismissed by the trial Court vide the impugned order, which is quite detailed and well reasoned and not suffering from any illegality or infirmity. Therefore, there is no scope for interfering with the impugned order by exercising revisional jurisdiction.

9. Thus, finding no merit in the civil revision petition, the same stands dismissed.

14.12.2022

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(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**