

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1)

CR-8077-2019(O&M)

Date of decision: 08.07.2022

Jagjit Singh and others

...Petitioners

Versus

Harpal Singh and another

...Respondents

(2)

CR-995 of 2022 (O&M)

Harmandeep Singh

...Petitioner

Versus

Satwant Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mayank Mathur, Advocate,
for the petitioners (In CR-8077-2019)

Mr. Saurabh Arora, Advocate
for the petitioner (in CR-995 of 2022)

Mr. Rakesh Gupta, Advocate
for the respondent no.1 (in CR-8077 of 2019) and
for the respondent no.4(in CR-995 of 2022)

ANIL KSHETARPAL, J (Oral)

These two revision petitions have been filed by the defendant as well as the plaintiff.

In Civil Revision No.8077, the defendant assails the correctness of order passed by the trial court on 02.09.2019 while permitting the plaintiff to amend the plaint. In Civil Revision No.995 of 2022, the plaintiff questions the correctness of order passed by the trial court permitting the defendant to examine the Hand Writing and Finger Print Expert and give his opinion as to whether the document in question has been prepared on pre-

signed blank papers or the document has been subsequently signed?

The learned counsel representing the defendant admits that the application for permission to amend the plaint was allowed when the parties had not led their evidence i.e. when the suit was at a preliminary stage. The plaintiff has filed a suit for possession by way of specific performance of the agreement/affidavit dated 25.06.2010. The defendant has denied execution of the aforesaid agreement/affidavit. It has been claimed that such agreement/affidavit is, in fact, a forged and fabricated document.

The learned counsel representing the plaintiff contends that the court has granted opportunity to the defendant to get the document examined from the Handwriting and Finger Print Expert during cross-examination of the witness examined by the plaintiff. He submits that the plaintiff has already led substantive evidence and his case would be seriously prejudiced if the order in question is allowed to stand.

This court has considered the submissions.

As far as civil revision against permission to amend the plaint is concerned, it may be noted that the suit was permitted to be amended at a preliminary stage. The defendant has failed to draw the attention of the court to any serious prejudice caused to the defendant. Hence, there is no scope for interference in the discretion exercised by the trial Court.

As regards the other civil revision against permission to examine the Hand Writing and Finger Print expert, it may be noted that the defendants are yet to lead evidence. They could have examined the Handwriting and Finger Print Expert in their own evidence. In any case, in order to protect the interest of the plaintiff from any prejudice, this Court is of the opinion that let the plaintiff be granted another opportunity to lead his

evidence after the report of the expert is submitted.

With these observations, both the revision petitions are disposed of.

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

July 08, 2022
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(ANIL KSHETARPAL)
JUDGE

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