

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

CR No. 1609 of 2018

DATE OF DECISION :- February 27, 2023

Malkeet Kaur

...Petitioner

Versus

Harpreet Singh

...Respondent

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

Present:- Mr. Aman Bahri, Advocate for the petitioner.

Mr. Arshdeep Bhullar, Advocate for respondent.

Briefly stated the facts of the case are that plaintiff Malkeet Kaur had brought a suit for permanent injunction against her son Harpreet Singh for restraining him from interfering in her peaceful possession of the House No. 2240, Mari Wala Town, Manimajra, U.T., Chandigarh and evicting her forcibly therefrom and reconstructing the same etc.

On getting notice, the defendant appeared and filed a written statement. Issues on merits were framed and parties were afforded opportunities to lead evidence. The plaintiff concluded her evidence. Thereafter came turn of defendant to do so and the defendant had examined DW2 and DW4. However, their cross-examination was deferred. The defendant's evidence was closed by order. Since DW2 and DW4 were not subjected to cross examination, therefore, defendant had approached this Court by way of filing Civil Revision No. 7118 of 2017, which was as allowed vide order dated 12.10.2017 (Annexure P-1) and a direction was issued to the trial Court to issue coercive process/summons to secure presence of DW2 and DW4 for any

date convenient to it and get their statements concluded. This direction was accordingly complied with by the trial Court. However, the defendants had examined another witness as DW5 leaving the plaintiff aggrieved.

The plaintiff has approached this Court on three grounds. Firstly that this Court had allowed cross-examination of DW2 and DW4 only and defendant was wrongly allowed to examine another witness as DW5. Secondly DW5 had got the affidavit said to have been furnished by plaintiff exhibited in his statement, the execution of which is being denied by the plaintiff, therefore, the plaintiff be allowed to subject the defendant, who had appeared as DW1, to further cross-examination with regard to the affidavit. Thirdly, the plaintiff wanted to examine hand writing expert and the stamp vendor to show that the affidavit in question was not executed by her.

Notice of the revision petition was given to the respondent defendant, who has put in appearance through counsel.

During the course of arguments learned counsel for the revision petitioner states that he does not press the ground with regard to objecting to examining DW5, since his statement has already been recorded. With regard to the prayer that the plaintiff be allowed to put defendant, who had appeared as DW1 to further cross examination regarding the affidavit in question he does not press that prayer also and only the prayer with regard to allowing the revision petitioner to examine hand writing expert as well as stamp vendor be considered and allowed.

Though learned counsel for the respondent defendant has contested this prayer but I am of the considered view that keeping in view the facts and circumstances, the revision petitioner plaintiff deserves to be granted an opportunity to engage a hand writing expert, who may examine the disputed

signatures on the affidavit comparing those with the admitted signatures of the plaintiff and then to submit report in that regard and then appear as a witness on her behalf, with regard to sale of the stamp paper the stamp vendor who is said to have sold the stamp paper to the defendant on which the affidavit in question is said to be typed, the said stamp vendor would be allowed to be examined by the revision petitioner plaintiff as a witness on her behalf.

Therefore, the impugned order passed by the trial Court is set aside partly to the extent detailed above with a direction that the trial Court would permit the plaintiff to examine hand writing expert as well as stamp vendor in that regard and then give a reasonable opportunity to the defendant to cross-examine such witnesses., thereafter proceed further in the matter in accordance with law. After the plaintiff is afforded opportunity to lead additional evidence as detailed above, the defendant be also given a reasonable opportunity to lead evidence in rebuttal, if he so desires.

The parties through counsel are directed to appear before the trial Court on 14.3.2023.

The petition is disposed of accordingly.

(H.S. MADAN)
JUDGE

February 27, 2023

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No