

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.8335 of 2018 (O&M)

Date of Order:14.12.2023

Ahsaan Khan

..Petitioner

Versus

Anwari Begum

..Respondent

C.R.No.7334 of 2018(O&M)

Ahsaan Khan

..Petitioner

Versus

Anwari Begum

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jai Bhagwan, Advocate
for the petitioner.

Mr. Sunny K.Singla, Advocate
for the respondent.

ANIL KSHETARPAL, J

1. These two connected revision petitions have been filed to assail the correctness of two identical orders passed by the courts below.
2. The petitioner has filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, seeking eviction of the respondent Smt. Anwari Begum.
3. On the other hand, Smt. Anwari Begum has filed a suit for specific performance of the agreement to sell allegedly executed by Sh. Ahsaan Khan in favour of her deceased husband Sh. Reham Din. It was when the case reached the stage of recording evidence of the plaintiff in the suit for specific performance and the respondent in the eviction petition, Mr. Shehbaz Khan son of Smt. Anwari Begum appeared in evidence. In examination-in-chief, he stated that he clearly identifies the signature of Sh.

Ahsaan Khan because Sh. Ahsaan Khan was his teacher.

4. During cross-examination, the learned counsel of Sh. Ahsaan Khan brought a sheet of paper which contained around 30 signatures. He called upon Mr. Shehbaz Khan to identify the signatures of Sh. Ahsaan Khan amongst those 30 signatures. The court has refused to permit the identification of signatures which was supposed to be done by Mr. Shehbaz Khan during his cross examination. The correctness of the aforesaid order has been challenged in this revision petition. Similar separate orders were passed by the Court. That is how these two revision petitions have come up for the final disposal.

5. The learned counsel representing the petitioner contends that Mr. Shehbaz Khan has stated in his examination-in-chief that he identifies the signature of Sh. Ahsaan Khan and therefore, it leads to the inference that party accepts the truth of the statement thus the trial Court has erred in refusing to allow such question.

6. This court has considered the submissions of the learned counsel representing the parties.

7. There are various other aspects of the cross-examination the witness and to impeach his credibility. However, Mr. Shehbaz Khan cannot be considered as a Finger Print and Handwriting Expert. Keeping in view the aforementioned circumstances, the court is of the opinion that the trial court has correctly held that the question should not be permitted during cross-examinations.

8. It would not be appropriate for this court to exercise revisional jurisdiction to interfere with the order passed by the trial Court.

9. Hence, both the revision petitions are dismissed.

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

December 14, 2023

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Whether speaking/reasoned

Whether reportable

:YES/NO

:YES/NO

(ANIL KSHETARPAL)

JUDGE