

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

CR-1402-2023(O&M)

Date of decision:-14.3.2023

Krishan Lal (since deceased) through his LRs

...Petitioners

Versus

Bharat Bhushan

...Respondent

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

Present: Mr.Namit Khurana, Advocate
for the petitioners.

H.S. MADAAN, J.

1. This revision petition is directed against order dated 7.2.2023 passed by Addl.Civil Judge(Sr.Divn.), Yamuna Nagar at Jagadhri vide which she had dismissed an application filed on behalf of LRs of defendant, who are revision petitioners before this Court for sending original agreement to sell dated 29.12.2014 to Forensic Science Laboratory for the purpose of comparison.

2. Briefly stated, facts of the case are that plaintiff Bharat Bhushan had brought a suit for specific performance of agreement to sell dated 29.12.2014 against defendant Krishan Lal (since dead) now represented by his LRs. On getting notice, the defendant appeared and filed written statement contesting the suit. During the course of proceedings, the LRs of deceased defendant Krishan Lal filed the application in question contending that as a matter of fact the defendant had not entered into any such agreement to sell dated 29.12.2014, rather it

is a suspicious document on the face of it inasmuch as typing font of both the pages is different and place and position of signatures on this document clearly suggests that it was prepared later on; furthermore, the ink of signatures allegedly done on 29.12.2014 and 14.8.2015 is the same, which is not possible, therefore, the document be sent to an independent agency i.e. Forensic Science Laboratory for examination and opinion.

3. This application was opposed by the plaintiff contending that the application has been filed as a delaying tactics; the defendant had put in appearance in the case earlier but subsequently absented, thereafter appeared and filed an application for setting aside ex-parte order, which was not opposed by the plaintiff and was allowed; the case is at the stage of evidence of defendant and LR's of defendant want the Court to collect evidence on their behalf by sending the document to Forensic Science Laboratory.

4. After hearing arguments, learned trial Court dismissed the application vide the impugned order, leaving the LR's of defendant aggrieved and they have approached this Court by way of filing the present revision petition.

5. I have heard learned counsel for the petitioners besides going through the record and I find that there is absolutely no merit in the revision petition.

6. The trial Court referring to Order 26 Rule 10A CPC dealing with Commission for Scientific Investigation has observed that the document can be easily got examined from any handwriting expert and assistance of the Court is not required for that purpose; furthermore in

terms of Order 26 Rule 10A CPC the Court can order for scientific investigation, which in the opinion of the Court cannot be conveniently conducted, whereas there is no such hardship in examining the alleged documents, therefore the application cannot be allowed.

7. Learned counsel for the revision petitioners has referred to order passed by a Co-ordinate Bench of this Court in case titled 'Krishan Kumar Versus Parkash Chand' in CR No.6035 of 2015, decided on 18.5.2016 in support of his contention that document in question ought to be sent to Forensic Science Laboratory for analysis and report. However, I find that the order in question was passed in view of different facts and circumstances and it is not to be taken as a binding precedent.

8. The impugned order passed by the trial Court is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

9. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

14.3.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No