

2023:PHHC:134059

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

CR-1352-2020 (O&M)
Date of decision: 13.10.2023

M/s Naraingarh Distillery Limited

...Petitioner

Versus

Baldev Singh Kang and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Piyush Aggarwal, Advocate for respondent No.1

ANIL KSHETARPAL, J (Oral)

1. By the impugned order, the court has permitted the plaintiff to examine the handwriting and finger print expert to prove the signatures on the memorandum of understanding dated 01.04.2009. The correctness of the aforesaid order has been challenged by the defendant in this revision petition. Learned counsel representing the petitioner contends that comparison of signatures of deceased Omkar Anand from the photocopy of the memorandum of understanding is not possible and therefore, the trial court has erred in allowing the plaintiff to examine a handwriting expert.

2. On the other hand, the learned counsel representing the respondent submits that the original document dated 01.04.2009, is not available and therefore the plaintiff is forced to prove the same by leading secondary evidence.

3. This Court has considered the submissions and analyzed the arguments made by the learned counsel representing the parties. The case is fixed for plaintiff's evidence. The plaintiff is entitled to lead relevant evidence to prove his case. The trial court, in exercise of its discretion, has permitted the plaintiff to examine the handwriting and finger print expert in order to produce corroborative evidence, subject to fulfillment of requirement of Section 65 of the Indian Evidence Act, 1872. Such order, in the considered view of this Court, does not call for the interference in exercise of revisional jurisdiction.

4. Hence, dismissed.

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

13.10.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE