

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

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2023:PHHC:116029

**CR-1493-2020(O&M)
Date of decision: 04.09.2023**

NARESH KUMAR

..Petitioner

Versus

SHRI KISHAN AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.P. Sangwan, Advocate
for the petitioner.

Mr. Manmohan, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is the plaintiff in a suit for grant of decree of declaration that he is owner in possession of plot measuring No.268 square yards. When the case was fixed for his evidence, he filed an application for comparison of thumb impression of Sh. Ranjit son of Sh. Mohru from the hand writing and finger print expert, which has been dismissed by the trial Court on the ground that the application has been filed after sufficient delay.

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. The learned counsel representing the petitioner contends that the case is still at the stage of plaintiff's evidence, hence, he cannot be stopped from leading evidence, which is relevant. He submits that the dispute is with regard to the thumb impression of Sh. Ranjit Singh, the father of the defendant, on the document dated 03.08.1994. Hence, the evidence of hand writing and finger print expert will help the Court in adjudicating the

dispute fairly.

4. On the other hand, the learned counsel representing the respondent submits that in a separate suit filed by the respondent, the petitioner's application for permission to lead additional evidence, has been dismissed.

5. This Court has considered the submissions of the learned counsel representing the parties.

6. In this suit, the case is at the stage of plaintiff's evidence. Dismissal of an application for permission to lead evidence in another suit would not debar the petitioner to lead evidence in his own suit. In these circumstances, the impugned order dated 27.01.2020, is set aside.

7. The trial Court is requested to permit the petitioner (plaintiff) to examine the hand writing and finger print expert.

8. With these observations, the revision petition is allowed.

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

September 04th, 2023

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(ANIL KSHETARPAL)
JUDGE

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