

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

114

CR-3338-2022 (O&M)

Date of decision: 24.01.2023

Hardeep Singh

...Petitioner(s)

Vs.

Vijay Kumar

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Lupil Gupta, Advocate for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the petitioner seeking setting aside of order dated 06.08.2022 (Annexure P5) passed by learned Additional Civil Judge (Senior Division), Malout, District Sri Muktsar Sahib vide which application (Annexure P3) filed by the respondent/plaintiff for permission to examine handwriting expert in additional evidence has been allowed.

It is submitted by learned counsel for the petitioner that trial is at its final stage, and evidence of petitioner/defendant has also been closed vide statement dated 08.04.2022, and matter is now fixed for arguments. It is submitted that accordingly great prejudice will be caused to the petitioner/defendant if the impugned order permitting respondent/plaintiff to examine handwriting expert in additional evidence is sustained. It is submitted that the application for additional evidence has been filed by the respondent/plaintiff at this belated stage just to fill lacuna in his case which is not permissible under law. It is further

submitted that the respondent had availed many opportunities to lead evidence and had closed his evidence and therefore too, cannot be permitted to lead additional evidence at this belated stage.

No other argument is made on behalf of the petitioner.

I have heard learned counsel for the petitioner.

Perusal of the impugned order shows that it has been noted therein that application of the respondent to get signatures of petitioner/defendant examined and compared by handwriting expert had been allowed as far back as on dated 24.09.2019. Thereafter, the Handwriting and Fingerprint Expert, upon comparison of signatures of the petitioner/defendant had given his report on dated 11.10.2019. However, at that time, counsel for the respondent/plaintiff had inadvertently omitted to examine the handwriting expert as witness. Admittedly, this order dated 24.09.2019 has never been challenged by the petitioner. It was the case of the respondent before the trial Court that it was due to Covid that the respondent had missed to examine handwriting and fingerprint expert. In my view, once the application for examination and comparison of signatures of the petitioner already stands allowed vide order dated 24.09.2019, and even Report dated 11.10.2019 thereupon is on record, then no prejudice is liable to be caused to the petitioner if the Expert is allowed to be examined.

Perusal of impugned order further shows that the learned trial Court has “granted only one opportunity” to the respondent to examine handwriting and fingerprint expert, and the petitioner has been granted full opportunity to cross-examine the said witness and lead

evidence in rebuttal of the same, if so advised. Learned counsel for the petitioner is unable to controvert the above facts.

Accordingly, in view of the above facts, I find the impugned order to be just and reasonable and no ground is made out to interfere in the impugned order.

Present Civil Revision accordingly stands dismissed.

Pending application(s) if any also stand(s) disposed of.

24.01.2023

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No