

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

**CR No.5079 of 2022
Date of Decision: 06.01.2023**

Dr. Pawan Kumar

.....Revisionist-Petitioner.

Versus

Dr. Kulwinder Kaur and another

.....Respondents.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Akshay Kumar Jindal, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant revision-petition, the petitioner has laid challenge to the order dated 30.08.2022 (Annexure P-9) passed by learned Additional Principal Judge, Family Court, Ambala (for short 'the trial Court'), whereby the application (Annexure P-7) moved by him with the prayer to send 13 photographs, as produced by him before the said Court, to the Director of the Forensic Science Laboratory, Madhuban, Karnal (for short 'the FSL') with the direction to verify the authenticity of the same, has been dismissed.

2. Bereft of unnecessary details, the facts leading to the filing of the present revision petition, are that the petitioner has filed a petition against respondent No.1-wife and respondent No.2 Rajan Kakkar under Section 13 of the Hindu Marriage Act, 1955 for seeking the dissolution of his marriage with respondent No.1 by way of a decree of divorce. Initially,

he had moved application Annexure P-3, praying therein for sending the afore-said photographs to the FSL for ascertaining the authenticity thereof and also for directing the respondent-wife to give her sample photograph and vide the order dated 17.03.2020 (Annexure P-5), the trial Court had allowed this application to the extent of sending the said photographs to the FSL for the verification of the genuineness of the same. However, vide the letter dated 12.06.2020 (Annexure P-6), the Director of the FSL intimated the trial Court that the said photographs appeared to have been captured from another mobile phone/electronic device and the printouts of the same had not been taken from the original device whereas the original source or the directly taken printouts of these photographs were required for the purpose of examining the authenticity and genuineness thereof. Thereafter, the petitioner again moved application Annexure P-7 before the trial Court with the prayer to send the said photographs to the FSL, while averring that he had filed the certificate-cum-affidavit in respect of the device and this application has been dismissed vide the impugned order.

3. I have heard learned counsel for the petitioner in the instant petition, at the preliminary stage and have also perused the file carefully.

4. Learned counsel for the petitioner contends that the genuineness and authenticity of the photographs in question can be easily ascertained by the concerned Expert in the FSL as the petitioner has, now, submitted his certificate-cum-affidavit in respect of the device as has been used for taking the printouts of the same but the trial Court has erroneously dismissed his application vide the impugned order and therefore, the said

order is not legally sustainable and deserves to be set-aside.

5. However, the afore-raised contention is devoid of any merit because mere filing of the certificate-cum-affidavit by the petitioner would not fulfil the requirement, as explained by the Director of the FSL in his letter (Annexure P-6), regarding the original source of the photographs or the directly taken printouts of the same. It being so, the Expert in the FSL cannot be compelled/forced to give the requisite report without meeting out the above-mentioned requirements.

6. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

January 06, 2023
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>