

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CR-6588-2019 (O&M)

DATE OF DECISION: 07.02.2023

AJAYPAL SINGH AND ANOTHER

... Petitioner (s)

Versus

BALWANT KAUR (DECEASED) THROUGH HER LRS AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.K.R. Dhawan, Advocate
for the petitioners.

Mr. Talwinder Singh, Advocate for the LR's of respondent No.1.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners have challenged the impugned order dated 09.08.2019 (Annexure P-5) passed by the ACJ(SD), Moga whereby the application for examining the Handwriting and Fingerprint expert has been declined.

Learned counsel for the petitioners submits that the plaintiffs-respondents had examined Handwriting and Fingerprint expert on the Will dated 15.06.2012 in their rebuttal evidence. The defendants are seeking only one effective opportunity to examine Handwriting and Fingerprint expert in support of their defence. He has relied upon the judgments of this Court in the cases of **Maghar Singh and others Vs. Labh Singh and others**, reported as **2017(4) Law Herald 3567** and **Parkash Kaur and others Vs. Joginder Singh and others**, reported as **2017 (4) RCR (Civil) 899**.

Heard.

The plaintiffs had filed a suit for declaration that they are owners in possession of 3/5th share of the property left by Harmesh Singh. The plaintiff-respondent No.1 is the widow of Harmesh Singh while the defendants are the children and grand-children of Harmesh Singh. The plaintiffs had examined Handwriting and Fingerprint expert in the rebuttal evidence with regard to the authenticity of the signatures of Harmesh Singh on the Will dated 15.06.2012. It has been held by this Court in the case of **Maghar Singh and others Vs. Labh Singh and others (supra)** that if one party is allowed to examine an expert and produce his expert report, the opposite party is also entitled to rebut the same irrespective of the fact that his rebuttal evidence had already been closed. The plaintiffs-respondents had examined the Handwriting and Fingerprint expert in rebuttal and therefore, it would be in the interest of justice, if the petitioners-defendants are also granted one opportunity to examine an expert with regard to the genuineness of the Will dated 15.06.2012.

Consequently, the petition is allowed and the impugned order dated 09.08.2019 (Annexure P-5) is set aside. The petitioners would be afforded one effective opportunity to examine Handwriting and Fingerprint expert subject to payment of Rs.5,000/- as costs to be paid to the opposite party.

Civil miscellaneous application(s), if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

07.02.2023

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