

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

Civil Revision No. 6999 of 2023 (O&M)

Date of Decision: 20.11.2023

Ashok Kumar

...Petitioner

Versus

Smt. Shakuntala & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Manu Sachdeva, Advocate and
Mr. Abhimanyu Singh, Advocate
for the petitioner.**

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner/ plaintiff against the order dated 30.10.2023 (Annexure P-2) passed by the Court of Civil Judge (Jr.Divn.), Bhiwani whereby an application filed by the petitioner to examine Finger Print and Handwriting Expert has been dismissed in Civil suit titled Ashok Kumar Vs. Shakuntala & Ors.

2. The brief facts of the case are that petitioner, who is son of Tejpal Singh filed civil suit against the other members of family of Tejpal Singh, who has since died, seeking possession of the suit land on the basis of agreement to sell/ writing dated 26.06.1993 executed by Tejpal Singh in his favour with consequential relief of permanent injunction. During the pendency of the suit, the petitioner filed an application for examination of Finger Print and Handwriting Expert to prove the signatures of Tejpal Singh on aforesaid agreement to sell dated 26.06.1993. However, the said application was dismissed by the trial Court vide impugned order (Annexure P-2) on the ground that the application is vague and it is not clear as to for what purpose the said Expert is to be examined.

3. I have the learned counsel for the petitioner.
4. During the course of arguments, the learned counsel for the petitioner made prayer that he be given liberty to file fresh application with better particulars in support of his request for examination of Expert.
5. Admittedly, the earlier application filed by the petitioner for examination of Expert has been dismissed by the trial Court vide impugned order simply on the ground that the said application is not specific and is vague. The Court has got power to make such orders as may be necessary for ends of justice or to prevent abuse of process of Court. Further, every Court is constituted for purpose of doing justice according to law and furthermore, the party cannot be penalized for the negligence of his counsel.
6. In light of the above, as the application in question was not decided on merits, the petitioner is hereby given liberty to file fresh application with better particulars for examination of Expert, wherein he should specify as to for what purpose he intends to examine the document Expert. The said application is to be filed by the petitioner within next six weeks, failing which the present petition will be considered to have been dismissed. In case such application is filed within the stipulated period, then the same is to be decided on merits, in accordance with law by the learned trial Court without being influenced by the observations made hereinabove or any observations made by the trial Court while passing the impugned order.
7. The present revision petition stands disposed of in above terms.

(KARAMJIT SINGH)
JUDGE

20.11.2023
Jiten

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