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

CR-823-2024 (O&M)

Date of Decision : 28.10.2024

Bindiya Kalra

... Petitioner(s)

Versus

Surekha Dhand & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. N.K. Manchanda, Advocate for the petitioner.

Mr. Aayush Gupta, Advocate for respondent Nos.1 and 2.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed impugning the order dated 11.01.2024 whereby the application filed by the defendant-respondent Nos.1 and 2 for allowing a Handwriting and Fingerprint Expert engaged by them to inspect the judicial file and to take photographs of the Wills dated 23.08.1998 and 17.04.1992, has been allowed.

2. Learned counsel for the contesting defendant-respondent Nos.1 and 2 at the outset states that the impugned order may be set aside granting the defendant-respondent Nos.1 and 2 liberty to move the application at an appropriate stage.

3. Heard.

4. In the present case the application for permitting the Handwriting and Fingerprint Expert to inspect the judicial file and to take photographs of the Wills dated 23.08.1998 and 17.04.1992 was filed even prior to the written statement being filed. The Trial Court vide the impugned order dated 11.01.2024 allowed the application on a completely wrong

premise. Though noticing in para 4 of the order that the application was premature as the written statement had not been filed, however, the Trial Court has also recorded that there is no provision in law when an application for examining a Handwriting Expert can be filed and that it is the right of the party to examine the Handwriting Expert at any stage and thus allowed the application. In the absence of completion of pleadings, at such a premature stage, the application for permitting a Handwriting Expert to inspect the judicial file and to take photographs of the Wills dated 23.08.1998 and 17.04.1992, which are subject matter of the suit, is totally contrary to all the settled provisions of law.

5. In view of the above and in view of the statement made by the learned counsel for the contesting defendant-respondent Nos.1 and 2, the present revision petition is allowed. The impugned order dated 11.01.2024 is set aside. However, the defendant-respondent Nos.1 and 2 would be at liberty to move an appropriate application, if so advised, at an appropriate stage which shall then be dealt with by the Trial Court strictly in accordance with law.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

28.10.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO