

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 1629 of 2019****Date of Decision: 13.03.2024**

Aya Ram (Since Deceased) through his Legal Representatives
... Petitioner(s)

Versus

Amrik Singh and Others
... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Shrey Goel, Advocate
for the petitioner(s).

Mr. Ajay Ghangas, Advocate
for respondent No.1 and 2.

Mr. S.K.Mahajan, Advocate
for respondent No.4.

Anil Kshetarpal, J.

1. In this revision petition, the petitioner assails the correctness of two interlocutory orders passed by the Trial Court on 24.01.2019 and 18.02.2019.

2. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed. The plaintiff has filed a suit for declaration with a consequential relief of permanent injunction and mandatory injunction. He has sold the land measuring 59 kanals and 14 marlas vide registered sale deed dated 25.05.1972. He alleges that the aforesaid sale deed has been interpolated by the defendants to convert it into 69 kanals and 13 marlas instead of 59 kanals and 14 marlas.

During the pendency of the suit, he summoned an official from

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the office of the Sub Registrar to prove the tampering. Joginder Kumar, an official from the office of the Sub Registrar, has produced a handwritten copy of the sale deed which was available in the office of the Sub Registrar. Thereafter, he filed an application to the Trial Court for permitting his Handwriting and Fingerprint Expert to take photographs. The Trial Court was inclined to issue notice in the application, however, the learned counsel representing the plaintiffs insisted for passing an order on the same day. The Trial Court recorded the following observations:-

“2. The Id. counsel for the plaintiffs has vehemently insisted that since his expert is present today he should be allowed to examine the file today itself without service of notice upon the other party and in doing so a just and proper course of law would be followed. He further proclaimed that if the court is inclined towards service of notice than his application should be dismissed right away. The Id. counsel was requested to maintain his calm whereupon he did not yield and stated in a high pitched tone that this Court is unaware of the procedure and his application be dismissed.”

4. Ultimately, in appeal, the First Appellate Court observed that the alleged conversion of the land from 59 kanals and 14 marlas into 69 kanals and 14 marlas does not require any special expertise especially under the circumstances when the document is registered and the same is available with the Sub Registrar. Hence, the Court found that the examination of the Handwriting and Fingerprint Expert would not be relevant. Ultimately, the application was dismissed. The petitioner also filed an application for recall

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of Joginder Kumar, an official who was already examined. The First Appellate Court also dismissed the application.

5. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-book.

6. The learned counsel representing the petitioner contends that the Court cannot refuse to grant an opportunity to the plaintiff to examine the Handwriting and Fingerprint Expert. He submits that it is right of the plaintiff to prove his case.

7 This Court has considered the submissions of the learned counsel representing the petitioner.

8. It is not necessary that in every case, the Court should permit the party to examine the Handwriting and Fingerprint Expert. Such experts are required to give their opinion which is not binding on the Court. Once the Court has observed that the alleged interpolation does not require any special expertise, the petitioner should have felt satisfied.

9. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned orders. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

March 13, 2024

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No