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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1903-2024 (O&M)
Date of decision : 01.04.2024

Raj Kumar ... Petitioner(s)

Versus

Vipan Kumar & Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Prarthana Duggal, Advocate for
Mr. Namit Khurana, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 06.02.2024 (Annexure P-8) passed by the Executing Court whereby the application filed by the petitioner for permission to get the agreement and receipt dated 01.05.2009 as well as receipt dated 04.02.2004 examined from Forensic Science Laboratory and opinion of Forensic Expert to determine the age of the papers of the aforesaid documents, has been dismissed.
2. Learned counsel for the petitioner would contend that it is necessary to get the documents examined from a Forensic Expert for determining the age of the ink and for comparison of the signatures on the aforesaid documents with the admitted standard signatures of the executant.

3. I have heard the learned counsel for the petitioner.

4. In the present case the petitioner, who is the third party objector, is claiming his possession over the suit property on the basis of the aforesaid documents i.e. agreement and receipt dated 01.05.2009 as well as receipt dated 04.02.2004. The petitioner herein filed an application for permission to get the said documents examined from FSL and opinion of a Forensic Expert for determining the age of the ink as well as comparison of the signatures. The decree-holder has denied the fact that the petitioner has any concern with the possession of the disputed house/suit property and that the objections have been filed in collusion with the JDs. The Executing Court while dismissing the application has held that the petitioner is trying to prove his possession on the basis of the aforesaid documents i.e. agreement and receipt dated 01.05.2009 as well as receipt dated 04.02.2004 for which he cannot seek the assistance of the Court. The learned counsel for the petitioner has not been able to convince this Court that the said documents would in any manner prove the possession of the petitioner over the suit property. Further, there is no occasion for the Court at this stage to send the documents to FSL when the entire case set up by the third party objector i.e. petitioner herein is that he is in possession of the suit property on the basis of the said documents. The onus to prove the said documents would, therefore, be upon the petitioner. The Executing Court has rightly dismissed the application which calls for no interference by this Court.

5. In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

01.04.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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