

CR-2157-2024

Date of Decision: 09.04.2024

VS

TIRATH KAUR AND OTHERSRESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Maninder Arora, Advocate for the petitioner.

GURBIR SINGH, J.

1. Challenge in this revision petition is for quashing of the order dated 14.03.2024 (Annexure P-1) whereby the application filed by the petitioner for summoning of witness from UIDAI, Regional Office, Chandigarh has been dismissed.
2. The parties are being addressed to as per their original status in the civil suit.
3. Brief facts which are necessary for the disposal of the petition are that Joga Singh who was the exclusive owner in possession of the property entered into agreement to sell with the plaintiff. The plaintiff filed the suit for specific performance. The plaintiff came to know from the revenue record that Joga Singh has transferred the property comprised in the agreement, in favour of Tirath Kaur vide transfer of ownership deed dated 11.07.2018. Tirath Kaur further sold the said land without consideration in

favour of Bahadur Singh. The plaintiff examined the attesting witness of the agreement to sell. The defendants examined one handwriting expert in their evidence. The case was fixed for rebuttal evidence. The plaintiff got the copy of adhar card of the deceased Joga Singh since deceased.

4. Learned counsel for the petitioner/plaintiff has argued that the plaintiff wants to get thumb impression of Joga Singh since deceased on the agreement to sell with the thumb impression of the deceased with the record of UIDAI Chandigarh. The biometric thumb impressions of Joga Singh available with the UIDAI could not be tempered with by the plaintiff.

5. I have heard the submissions made by learned counsel for the petitioner.

6. Without commenting upon whether the plaintiff is entitled to examine expert in rebuttal, this Court is of the view that disputed thumb impressions can only be got compared with the admitted thumb impressions or with the proved thumb impressions. The biometric of thumb impressions of Joga Singh available in the record are neither proved nor admitted. So plaintiff cannot be allowed to get the same compared with the disputed thumb impressions. Moreover, it is specific case of the plaintiff that Joga Singh executed deed of transfer of ownership dated 11.07.2018 in favour of Tirath Kaur. So it cannot be said that thumb impressions are not available thus, this petition is without any merit.

7. Dismissed in limine.

(GURBIR SINGH)
JUDGE

09.04.2024
renu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>