

**CR-6592-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(122)****CR-6592-2024****Date of Decision: - 20.11.2024****Sawran Singh****....Petitioner****Versus****Vinod Kumar****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. J.K. Singla, Advocate,
for the petitioner.

Mr. Krishan Kanha, Advocate
for the respondent.

**********VIKAS BAHL, J. (ORAL)**

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 09.10.2024 passed by the Additional Civil Judge (Senior Division), Mansa, whereby an application dated 27.04.2024 (Annexure P-3), filed by the petitioner for examination of handwriting expert, has been rejected.
2. Learned counsel for the petitioner has submitted that the present case is still at the stage of defendant evidence and the petitioner has examined all his witnesses and only wishes to examine a finger and handwriting expert to examine the signatures, writing on the cheques/vouchers of the present case as well as from the summoned bank record of Central Bank of India. It is further submitted that while leading

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the defence evidence, it is the right of the petitioner to lead all the evidence in order to establish that the suit of the plaintiff does not deserve to be decreed and his right of leading evidence cannot be restricted.

3. Learned counsel appearing for the respondent on the other hand, has submitted that the petitioner has been filing one application after another in order to delay the proceedings and has further submitted that the respondent himself has not examined any finger and handwriting expert and in case, any such right is given to the petitioner to examine a handwriting expert, then, a right be also given to the respondent to examine such expert in rebuttal, if so required. It is stated that for delaying the proceeding, the petitioner should also be burdened with costs.

4. Keeping in view the above-said facts and circumstances, more so, the fact that the case is stated to be listed for 04.12.2024 for defence evidence and it is the case of the petitioner that he has led his entire evidence, the present revision petition is partly allowed and the impugned order dated 09.10.2024 is set aside with the following directions: -

- (i) Petitioner would produce a finger and handwriting expert before the trial Court on 04.12.2024 or on the date thereafter and would make every endeavour to examine the said handwriting expert, as expeditiously as possible. Opportunity would be given to the respondent-plaintiff to cross-examine the said handwriting expert.

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(ii) Respondent would also have a right to examine a handwriting expert in rebuttal, if so deemed appropriate by the respondent.

(iii) Petitioner would deposit the cost of Rs.5,000/- on or before 04.12.2024, which is stated to be the next date of hearing, before the trial Court and on depositing the said amount, the trial Court is directed to release the said amount of Rs.5,000/- to the respondent-plaintiff.

5. It is made clear that in case, the petitioner does not deposit the cost of Rs.5,000/- on or before 04.12.2024, the present revision petition would be deemed to have been dismissed.

November 20, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No