



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

(122)

CR No. 1693 of 2025 (O&M)**Date of Decision: 12.05.2025****Gurpreet Singh (since deceased) through his LR****...Petitioner****Versus****Sukhraj Singh****...Respondent****CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. G.S.Virk, Advocate
for the petitioner.

Mr. S.S.Rangi, Advocate
for the respondent.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition is directed against the order dated 25.02.2025 (Annexure P-7) passed by the Court of learned Civil Judge (Jr. Division), Ludhiana, vide which the application filed by the respondent/plaintiff for permission to examine a handwriting and fingerprint expert after examination of the Court file by the said expert and for grant of permission to take photographs of standard signatures of the petitioner/defendant on the agreement to sell dated 18.11.2019 for the purpose of comparison with other disputed signatures available on the Court file was allowed.

2. A suit for possession by way of specific performance of agreement to sell dated 18.11.2019 as regards residential house bearing No. B-31-1071 measuring 475 sq. yards situated at Jamalpur Awana, Tehsil and District Ludhiana was filed by the respondent/plaintiff (Gurpreet Singh) against the petitioner/defendant (Sukhraj Singh). After evidence by the plaintiff and defendant had concluded, an application (Annexure P-5)

reference to which has been made in the opening part of the judgment was moved by the respondent/plaintiff which was opposed by way of reply (Annexure P-6). By way of the impugned order, the said application was allowed leading to the filing of the instant revision petition.

3. I have heard learned counsel for the parties.

4. During the course of the arguments, learned counsel for the petitioner submits that the petitioner would restrict his claim to the effect that he would not have any objection to the permission granted by the trial Court to the respondent/plaintiff provided the petitioner/defendant is also permitted to lead further evidence to counter the evidence of the handwriting and fingerprint expert. To support his contentions, he relies upon a judgment of a Coordinate Bench in the case of ***Smt. Bala Vs. Mukesh Singh and others, 2024 (3) CivCC 173***. They also submits that they shall avail one effective opportunity each for the said purpose.

5. Sh. S. S. Rangi, learned counsel representing the respondent/plaintiff fairly submits that he would have no objection in the same.

6. I have considered the submissions made by learned counsel for the parties.

7. From the pleadings of the parties, the following issues had been framed by the trial Court:-

“1. Whether the defendant had signed the endorsements dated 23/11/2019, 23/12/2019 and 24/01/2020 on back side of agreement to sell dated 18/11/2019 in favour of the plaintiff? OPP

2. Whether the plaintiff remained always ready and willing to perform his part of contract? OPP

3. Whether plaintiff is entitled to possession by way of specific performance of agreement to sell? OPP

4. *Whether the plaintiff is entitled to permanent injunction as prayed for? OPP*

5. *Whether the endorsement on agreement to sell is forged and fabricated on its effect? OPD*

6. *Relief.*

8. A perusal of the issues shows that issues No.1 and 5 were as regards the genuineness of the endorsements made on the agreement to sell dated 18.11.2019. Concededly, none of the parties examined any expert witness during the course of their evidence.

9. Keeping in view the statement given by learned counsel for the parties and the fact that the examination of experts by them would be essential for the just decision of the case with both sides being given adequate opportunity, the present revision petition is disposed of with a direction that after permitting the respondent/plaintiff to examine an expert in terms of the impugned order dated 06.02.2025, opportunity shall also be granted to the petitioner/defendant to counter the evidence of the handwriting and fingerprint expert produced by the respondent/plaintiff.

Pending application(s), if any, shall also stand disposed of.

**(VIKRAM AGGARWAL)
JUDGE**

May 12, 2025
Rekha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No