

**CR No. 1873 of 2025**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CR-1873-2025 (O&M)
Decided on : 02.09.2025****Vijay Singh @ Vijay Pal****.....Petitioner****Versus****Omi @ Om Parkash****.....Respondent****CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:** Mr. Nihul Pratap Singh, Advocate, for the petitioner.
(through VC)
Mr. Kartar Singh, Advocate for respondent.**DEEPAK GUPTA, J.**

Petitioner herein is the plaintiff before the learned Civil Judge (Jr. Divn.), Faridabad in civil suit No. 695 of 2018, titled 'Vijay Singh Vs. Omi @ Om Parkash'. He is aggrieved by the order dated 21.02.2025 (*Annexure P-1*), whereby an application moved by him seeking permission to obtain the opinion of an independent hand-writing expert regarding the disputed signature/ thumb impression of the petitioner on the alleged relinquishment-deed dated 11.03.2002, was declined.

2. On 26.03.2025, while issuing notice of motion, this Court had passed the following order:-

"Under challenge is the order dated 21.02.2025 (*Annexure P-1*) whereby application moved by the plaintiff (petitioner herein) seeking permission to examine an independent handwriting expert from FSL Madhuban, i.e. a Government Agency, has been declined.

Learned counsel contends that relinquishment deed dated 11.03.2002 is under dispute, inasmuch as plaintiff-petitioner has denied the execution thereof; whereas defendant-respondent is alleging that the said relinquishment deed was executed by the plaintiff. Both the parties examined their private experts and both of them supported their respective pay masters. Learned counsel



contends that it is in these circumstances that the application was moved to get the document examined through an independent expert by sending the same to FSL, Madhuban. However, the application has been dismissed by the trial Court by way of impugned order on the ground that earlier also petitioner was permitted to examine the private expert. Learned counsel submits that it is because of the contrary report given by two private experts that the application had to be moved for getting the disputed document examined through a Government Agency.

Notice of motion for 02.09.2025.

In the meantime, passing of the final judgment by the trial Court is hereby stayed.”

3. Today, Mr. Kartar Singh, Advocate has put in appearance on behalf of respondent.

4. Learned counsel for the petitioner has reiterated the submissions as noticed in the order dated 26.03.2025. Repelling the same, learned counsel for respondent submits that earlier also similar application had been rejected by the Court on 17.02.2023 (Annexure P-5).

5. Having considered the submissions of both the sides, I am of the view that petition deserves to be allowed.

6. Dispute is regarding the due execution of relinquishment deed dated 11.03.2002. The petitioner-plaintiff has denied the execution thereof, whereas the stand of respondent-defendant is that the disputed relinquishment deed was executed by the plaintiff. It is not in dispute that both the parties examined their respective private experts, who have given opinion in support of their respective pay masters.

7. In view of above-said facts and circumstances and in order to arrive at a just & fair conclusion, it would have been justified, if the trial Court had permitted the petitioner-plaintiff to examine the document in question through an independent expert by sending the same to FSL Madhuban or any such govt. agency.



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8. As far as previous order dated 17.02.2023 (Annexure P-5) is concerned, perusal thereof would reveal that at that time, it was opined by Court that plaintiff can examine a private expert to corroborate his case. The circumstances have changed, inasmuch as plaintiff examined a private expert to support his case. The defendant examined another expert, who gave contrary opinion and so in these circumstances, the order dated 17.02.2023 could not come in the way to get the document examined through Government expert.

9 In view of the aforesaid discussion, the impugned order dated 21.02.2025 (Annexure P-1) is hereby set aside. The trial Court is directed to grant permission to the petitioner-plaintiff to get the document in question examined through FSL, Madhuban or any other Government agency on the charges to be deposited by the petitioner-plaintiff.

Disposed of accordingly.

(DEEPAK GUPTA)
JUDGE

02.09.2025
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Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No