



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

118

CR-4671-2024 (O&M)**Date of Decision: 22.07.2025**

Nirmal Singh and another

...Petitioners

Versus

Rachhpal Singh and another

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Ms. Kiranjeet Kaur, Advocate, for the petitioners.
(Proceedings through Video Conferencing)

VIKAS SURI, J. (ORAL)

1. Prayer in this petition under Article 227 of the Constitution of India, preferred by petitioner/defendant Nos.1 and 2, is for quashing of the order dated 02.08.2024 (Annexure P-8) passed by learned Civil Judge (Junior Division), Ferozepur, whereby the application moved by the plaintiff to produce handwriting and fingerprint expert for comparison of the disputed and standard signatures of Gurcharan Singh, has been allowed.

2. Learned counsel for the petitioners submits that the only dispute arising in the present petition is whether the applicant ought to have been granted permission to examine the handwriting and fingerprint expert with regard to the signatures of Gurcharan Singh, in the backdrop of the factual matrix of the case.

2.1 Briefly, an application was moved by the plaintiff for issuance of direction to the defendants to produce on record (i) the original transfer deed executed by Harbans Kaur wife of Gurcharan Singh in favour of



Sarmukh Singh, (ii) original Will dated 16.02.2009 executed by Harbans Kaur in favour of Sarmukh Singh-defendant and Rachpal Singh-plaintiff, (iii) original transfer deed dated 24.11.2020 allegedly executed by Gurcharan Singh in favour of Nirmal Singh son of Sarmukh Singh, (iv) cancellation deed dated 22.12.2020, and (v) Will dated 24.12.2020 allegedly executed by Gurcharan Singh. The case set up in the application is that during her lifetime, mother of the plaintiff and defendant No.1 had executed a transfer deed in favour of defendant No.1. She had also executed a registered Will dated 16.02.2009 in favour of the plaintiff and defendant No.1. The contesting defendants had claimed that Gurcharan Singh executed a transfer deed dated 24.11.2020, in favour of defendant No.2 and he also executed cancellation deed dated 22.12.2020 thereafter, besides Will dated 24.12.2020 in favour of defendant No.2. The said original documents are stated to be in possession of the contesting defendants. The plaintiff seeks to examine the handwriting and fingerprint expert to compare the signatures of Gurcharan Singh on the said documents.

2.2 Upon notice of the application, the same was opposed on the ground that the issues were framed on 21.09.2021 and despite more than 25 opportunities having been availed by the plaintiff for concluding his evidence, the same was not concluded and the instant application has been filed on 07.02.2024, only to prolong the proceedings. It was further submitted that there is no requirement to prove the signatures on the different documents as the same have not been denied and are not in dispute,



as such.

3. Learned counsel for the petitioners has vehemently argued that the plaintiff has not denied the signatures of Gurcharan Singh, on the various documents, which have been directed to be produced in original, vide impugned order dated 02.08.2024. It is further submitted that since the plaintiff has not disputed the signatures of Gurcharan Singh on the supra documents, there arises no occasion for comparison of the signatures, as there are no disputed signatures of Gurcharan Singh.

4. I have heard learned counsel for the petitioners and perused the paper book.

5. The issue raised in the instant petition lies in a short compass. The jurisdiction of the trial Court to issue directions as contained in the impugned order is not in dispute. The only issue for consideration is whether the same has been rightly exercised or not.

6. It is settled law that a party has to prove its case by leading cogent evidence. The opportunity to prove the documents or to prove any other aspect with regard to the said documents cannot be scuttled merely on the basis of an apprehension as to what the expert witness may opine in its report after examining the document concerned or the marking thereupon, which, in the present case are alleged to be of Gurcharan Singh. The petitioner-defendants have not denied the existence of the aforesaid documents or that the same are not in their possession. Learned counsel for the petitioners has failed to show as to what prejudice would be caused to



the petitioner-defendants if the said documents are examined by an expert witness. The said fact assumes importance as it is a well settled principle of law that the opinion of an expert witness is not binding upon the Court but is only persuasive in nature. Moreover, the petitioners would have ample opportunity to cross-examine the expert witness to enable them to elicit the truth.

7. In view of the aforesaid discussion, this Court is not in agreement with the contentions urged by learned counsel for the petitioners particularly when no illegality or perversity in the impugned order has been shown to exist. Accordingly, the present revision petition is rejected. The interim order dated 11.09.2024 passed in this case also stands vacated. The trial Court is directed to proceed with the trial, in accordance with law, expeditiously, after affording adequate opportunities to all the parties concerned.

8. The revision petition is dismissed with aforesaid observations.

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

July 22, 2025
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(VIKAS SURI)
JUDGE

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