



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.6504 of 2023 (O&M)

Date of Order:14.02.2025

Satish Kumar

.Petitioner

Versus

Sudesh Kumari (deceased) through LRs

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Raja Sharma, Advocate
for the petitioner.

Mr. Anil Dutt, Advocate, for
Ms. Sakshi Sharma, Advocate
for the respondent.

ANIL KSHETARPAL, JUDGE (Oral)

1. The plaintiff assails the correctness of the interlocutory order passed by the trial court refusing permission to the petitioner to obtain photographs of the alleged disputed thumb impressions of Smt. Sudesh Kumari (since deceased) on the agreement to sell dated 07.12.2015, and get it compared from the Handwriting and Fingerprint Expert.

2. The plaintiff has filed a suit for possession by way of specific performance of the agreement to sell while asserting that Smt. Sudesh Kumari agreed to sell the suit property in favour of the plaintiff on receipt of Rs.9,00,000/-, out of the total sale consideration of Rs.10,00,000/-. The plaintiff led his evidence. When Sh. Vikas @ Vicky son of Smt. Sudesh Kumari appeared in evidence, he stated that he has seen sale deed no.744, dated 16.06.2016, executed by his mother Smt. Sudesh Kumari and he wants that the thumb impression on the agreement to sell be compared with the



thumb impressions of Smt. Sudesh Kumari on the sale deed dated 16.06.2016, so as to know whether Smt. Sudesh Kumari has thumb marked the agreement to sell or not. He also stated that he has no objection if both the documents are sent to the Handwriting and Fingerprint Expert to know the exact position. However, when the plaintiff filed an application for permission to lead additional evidence to take photographs for getting opinion of the Handwriting and Fingerprint Expert, the application was dismissed.

3. The learned counsel representing the petitioner does not dispute that Smt. Sudesh Kumari's son had made the aforesaid statement. In these circumstances, the court erred in dismissing the petitioner's application without even noticing that the legal representatives of defendant have already given no objection.

4. Consequently, the impugned order is set aside and the petitioner is permitted to take photographs of the thumb impressions on the agreement to sell for getting the opinion of Handwriting and Fingerprint Expert.

5. Needless to observe that the defendant(s) will have an opportunity to cross-examine the Handwriting and Fingerprint Expert and lead counter evidence, if so advised.

6. With these observations, the revision petition is allowed.

7. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

February 14, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No