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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-6737-2018 (O&M)

Date of Decision : 18.08.2025

Mukhtiar Kaur

... Petitioner

Versus

Kulwant Singh

... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Aayush Gupta, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed challenging the order dated 05.09.2018 whereby the application filed by the defendant-petitioner herein for examining the handwriting expert has been dismissed.

2. The brief facts relevant to the present *lis* are that plaintiff-respondent herein filed a suit for possession by way of specific performance of agreement to sell dated 18.11.2012. The defendant-petitioner herein at the time of leading her evidence filed an application for examining a handwriting expert as the stand taken by her was that the document was forged and fabricated. The said application has been dismissed vide order dated 05.09.2018.

3. Learned counsel for the defendant-petitioner would contend that the stand taken by the defendant-petitioner was that the document is forged and fabricated hence while leading her evidence she had filed an application for examining the handwriting expert. The Trial Court dismissed the application only on the ground that the expert would give an opinion in favour of the defendant-petitioner and therefore the defendant-petitioner

should prove her case by leading her own cogent evidence.

4. On the other hand, the learned counsel for the plaintiff-respondent has contended that the Trial Court has passed a well-reasoned order and the application has rightly been dismissed.

5. Heard.

6. In the present case the reasoning given by the Trial Court while dismissing the application for examining the handwriting expert is that the handwriting expert would opine in favour of the defendant-petitioner and therefore the defendant-petitioner should prove her case by leading cogent evidence. The dispute in the present case is qua the validity of the agreement to sell which according to the defendant-petitioner is a forged and fabricated document. The defendant-petitioner is well within her right to examine a handwriting expert to prove her case in accordance with law hence the order dated 05.09.2018 is not sustainable in law and the reasoning given by the Trial Court cannot be upheld.

7. In view of the above, the impugned order dated 05.09.2018 cannot be sustained and the same is set aside. Accordingly, the present revision petition is allowed and consequently the application filed by the defendant-petitioner for examining the handwriting expert also stands allowed. Pending applications, if any, also stand disposed off.

8. It is made clear that any observation made herein shall not be treated as an opinion on the merits of the case.

18.08.2025
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO