



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

CR No.4422 of 2026 (O&M)

Date of Decision:-25.05.2026

Shyama

.....Petitioner.

Versus

Satish and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present:- Mr. Sumit S. Bairagi, Advocate
for the petitioner.

VIKRAM AGGARWAL, J. (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 13.05.2026 (Annexure P-7) passed by the Court of Civil Judge (Junior Division), Faridabad, vide which the application filed by respondent-defendant No.1 for appointment of a handwriting expert was allowed.

2. The facts, as emanating from the revision petition, are that a suit (Annexure P-1) for permanent and mandatory injunction was instituted by the petitioner-plaintiff (Shyama) against the respondent-defendant (Satish) praying for the following relief:-

*“It is, therefore, prayed that a decree for permanent/
prohibitory injunction restraining the defendant from raising
construction thereupon or in any other manner upon the suit
property be passed in favour of the plaintiff and against the*

defendant with costs of the suit.

It is, further prayed that if during the pendency of the suit the defendant succeed in his illegal design of raising construction of any part of the suit property, fully detailed and described in para No.1 & 2 of the plaint, In that case a decree of mandatory Injunction directly the defendant to remove the construction may also be passed in favour of the plaintiff and against the defendant.”

3. The said suit was opposed by way of a written statement (Annexure P-2).

4. Parties led their respective evidence. At the stage of rebuttal evidence, an application was moved by the petitioner-plaintiff for the appointment of a handwriting expert to compare the disputed signatures on the agreement to sell with admitted signatures of the plaintiff. This application came to be allowed vide order dated 09.02.2026.

5. After the examination of the expert and his cross-examination, the matter was fixed for final arguments and written arguments (Annexure P-4) were also submitted by the petitioner-plaintiff. However, thereafter, an application (Annexure P-5) was moved by respondent-defendant No.1 praying for the appointment of a handwriting expert to scientifically compare the signatures of the plaintiff on the agreement to sell dated 03.06.2026 at point 'B' with the admitted signatures of the plaintiff. The said application was opposed by way of a reply (Annexure P-6).

6. By way of the impugned order dated 13.05.2026, the said application was allowed, leading to the filing of the present revision petition.

7. I have heard learned counsel for the petitioner.

8. Learned counsel for the petitioner submits that the impugned order is not sustainable. It has been argued that the application was moved at a highly belated stage even when the written arguments had been filed by the petitioner-plaintiff. Learned counsel submits that under the circumstances, there was no occasion to allow the said application. Learned counsel also submits that it was an attempt by respondent-defendant No.1 to fill up the lacunae which is impermissible.

9. I have considered the submissions made by learned counsel for the petitioner, but find the same to be devoid of merit.

10. No doubt, the application for appointment of an expert was moved by respondent-defendant No.1 at a highly belated stage i.e. when the matter was fixed for final arguments and even written arguments had been submitted by the petitioner-plaintiff. However, it has to be borne in mind that even the petitioner-plaintiff had filed the application for appointment of an expert at the stage of rebuttal evidence and the same was allowed vide order dated 09.02.2026. After examination of the said expert, the application was filed by respondent-defendant No.1. It is well known that experts tend to give reports in favour of the parties who engage them. Under the circumstances, respondent-defendant No.1 should not be denied the opportunity to examine an expert.

11. The trial Court, while allowing the application, also arrived at a conclusion that for proper adjudication of the matter in dispute and to know as to whether the alleged agreement to sell was a forged and

fabricated document or it was a genuine document, it was important to appoint an expert. It was held that though the expert appointed by the petitioner-plaintiff had been cross-examined, respondent-defendant No.1 had the right to present his own expert so that the reliability of the report of the expert appointed by the plaintiff could also be called into question. In the considered opinion of this Court, there is no irregularity much less illegality in the said order passed by the trial Court warranting interference in a revision petition preferred under Article 227 of the Constitution of India.

12. That being so, the instant revision petition is found to be devoid of merit and is accordingly dismissed.

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

May 25, 2026
Yag Dutt

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No