



In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 4242 of 2023

Date of Decision: 20.02.2025

Dr. Yogesh Didwania and Others

... Petitioner(s)

Versus

Sudhir Nagar

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Tejaswini, Advocate
for the petitioner(s).

Mr. Pannkaj Nanhera, Mr. Rahul Gautam and
Mr. Sachin Jangra, Advocates, for the respondent.

Anil Kshetarpal, J.

1. The petitioners herein are the defendants in a civil suit for recovery of ₹2,18,13,000/-, which is pending before the Trial Court since 2015. The suit for recovery is based upon the agreement and the negotiable instruments, namely cheques. The defendants disputed their signatures on the cheques. The plaintiff as well as the defendants have already concluded their evidence. Subsequently, an application for permission to examine the Handwriting and Fingerprint Expert was filed by the defendants which was dismissed.

2. The learned counsel representing the petitioners, while relying upon the Full Bench judgment of Andhra Pradesh High Court in *Bande Siva Shankara Srinivasa Prasad v. Ravi Surya Prakash Babu and Others 2015 SCC OnLine Hyd 467*, contends that an opportunity to examine the

Handwriting Expert should be granted at any stage to advance the cause of justice.

3. Per contra, the learned counsel representing the respondent submits that an effort has been made to delay the disposal of the suit and the application is an abuse of the process of law.

4. This Court has considered the submissions of the learned counsel representing the parties.

5. The Trial Court, by an elaborate order, has held that if the application is allowed at this stage, it will amount to abuse of the process of the Court. It is not in dispute that the defendants, at the initial stage, while filing the written statement, denied their signatures on the cheques. They were required to lead defence evidence to prove their case. They led oral evidence, however, chose not to examine an Expert. Now, by way of an application, a permission has been sought to engage a Handwriting and Fingerprint Expert and produce its report. Such Expert is entitled to give his opinion. Thereafter, the plaintiff will have to be granted an opportunity. There is no justification as to why the defendants did not examine an Expert when they were leading evidence. The Full Bench judgment in *Bande Siva Shankara Srinivasa Prasad (supra)* relied upon by the petitioner's counsel is in different context. In para 5 of the aforesaid judgment, the Full Bench has culled out the following issue which has been answered:-

“The issue referred for consideration of and resolution by this Bench is: whether a Civil Court may not send a disputed handwriting/signature to a handwriting expert (under Section 45 of the Evidence Act) if the time gap between the admitted

signature and the disputed signature is very large.”

6. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned orders. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

February 20, 2025

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No