



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CR No.6583 of 2024

DATE OF DECISION : 31st JULY, 2025

Ravinder Kumar (Deceased) through LRs

.... Petitioner

Versus

Sanjeev Kumar

.... Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

* * * *

Present : Mr. Shantanu Bansal, Advocate for the petitioner.

Ms. Jasneet Mehra, Advocate for

Mr. Amrainder Singh, Advocate for the respondent.

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VIKAS BAHL, J. (Oral)

1. The present petition has been filed by the petitioner under Article 227 of the Constitution of India for setting aside impugned order dated 16.10.2024 (Annexure P-9) passed by the learned Civil Judge (Junior Division), Ambala, vide which the application for examination of handwriting expert filed by the petitioner-plaintiff in rebuttal evidence, has been dismissed.

2. On 12.11.2024 this court had passed the following order:

“Learned counsel for the petitioner has submitted that the report of the handwriting expert is very relevant for the adjudication of the case and the petitioner would have no objection in case in rebuttal to the handwriting expert examined by the petitioner, respondent is also given an opportunity to examine his own handwriting expert.

Notice of motion for 28.11.2024.

The proceedings before the trial Court may go on but the final order be not passed.



Liberty is granted to the petitioner to serve the respondent through dasti process as well as through counsel in the trial Court.

To be shown in the urgent list.”

3. Learned counsel for the petitioner has submitted that in the present case the primary issue between the parties is with respect to whether the signatures on the agreement to sell are genuine or forged and in the said circumstances, it is necessary to examine the handwriting expert. It is further submitted that it is the suit of the present petitioner for possession by specific performance, which would be delayed in case the petitioner is permitted to lead the said evidence and would thus primarily prejudice the petitioner.

4. Learned counsel appearing on behalf of the respondent, on the other hand, has submitted that in the written statement plea had been taken by the respondent denying his signatures on the agreement to sell and the present application has been moved by the petitioner at a belated stage. It is submitted that at any rate, in case the petitioner is granted the opportunity to examine the handwriting expert then the respondent be given opportunity to cross-examine the said handwriting expert and also to examine his own handwriting expert and further some costs be imposed on the petitioner.

5. Learned counsel for the petitioner, in rebuttal, in view of the submissions raised by the respondent, has submitted that he has no objection in case the respondent is also given opportunity to examine his own handwriting expert and the petitioner is ready to pay costs also.



6. Keeping in view the aforesaid facts and circumstances and the stand taken by the counsel for the petitioner as well as the respondent, the present petition is partly allowed and the order dated 16.10.2024 (Annexure P-9) is set aside with the following observations:

- (i) The petitioner would be permitted to examine the handwriting expert to compare the signatures of the defendant on the alleged agreement to sell with the admitted signatures of the defendant.
- (ii) The respondent would be granted liberty to cross-examine the said handwriting expert and also to produce their own handwriting expert, if so desired by the respondent, to rebut the evidence of the handwriting expert produced by the petitioner.
- (iii) Same would be subject to the petitioner depositing an amount of ₹10,000/- as costs on or before 06.08.2025 before the trial court, which would be released to the respondent.

31st July, 2025
'raj'

(VIKAS BAHL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>