

Ms. Rubi Vs. Narain Singh and Another.

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Court : Punjab and Haryana

Decided On : Jul-18-2014

Appellant : Ms. Rubi

Respondent : Narain Singh and Another.

Judgement :

vinod kumar CR No.4599 of 2014 2014.07.24 16:07 1 I attest to the accuracy and integrity of this document Chandigarh IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CR No.4599 of 2014 Date of decision:18.07.2014 Ms.Rubi ...Petitioner Versus Narain Singh and another.....Respondents CORAM: Hon'ble Mr.Justice Rakesh Kumar Jain Present: Mr.Surinder Mohan Sharma, Advocate, for the petitioner.

***** RAKESH KUMAR JAIN, J.

(Oral) This petition is by the plaintiff who has sought permission for appointment of Handwriting Expert to compare the signatures of the defendant.

The defendant admitted his signatures on the General Power of Attorney but denied them on the agreement to sell and the affidavit.

The plaintiff has alleged that he wanted to compare the signatures of the defendant on the agreement to sell and affidavit by appointing a Handwriting Expert.

It is not in dispute that both the parties have led their entire evidence and this application is filed when the case was fixed for rebuttal evidence and arguments.

The trial Court has dismissed the application on the ground that it is not the stage for filing this kind of application as enough opportunities were granted to the plaintiff to lead his evidence.

Counsel for the petitioner has submitted that in the interest of vinod kumar CR No.4599 of 2014 2014.07.24 16:07 2 I attest to the accuracy and integrity of this document Chandigarh justice, one more opportunity be granted as the report of the Handwriting Expert would go to the root of his case.

After hearing the learned counsel for the petitioner and examining the record, I am of the considered opinion that the present application is totally frivolous and cannot be allowed.

Once, the defendant had taken a stand in the written statement admitting her signatures on the General Power of Attorney and denied them on the agreement to sell and the affidavit, the FIRs.evidence which was required to be led by the plaintiff was to examine the Handwriting Expert to prove that the signatures on the agreement to sell, affidavit and GPA are the same.

It is not understandable as to why this exercise was not done by the plaintiff when he was leading her evidence.

The plaintiff has filed this application only when the entire evidence has been concluded and with the permission to appoint handwriting expert, the Court would open a Pandora Box.

as the defendant would also like to appoint Handwriting Expert in controversion.

In these circumstances, the learned trial Court has not committed any error in dismissing the application.

In view thereof, I do not find any merit in the instant revision petition and the same is dismissed.

18.07.2014 (RAKESH KUMAR JAIN) Amit Rana JUDGE

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