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Rajbir Singh Vs Ved Parkash

CR No. 4649 of 2013

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Aug. 6, 2013

Hon'ble Judges: K. Kannan, J

Bench: Single Bench

Advocate: Ram Bilas Gupta, for the Appellant;

Final Decision: Dismissed

Judgement

K. Kannan, J.
The suit for specific enforcement of agreement of sale was contested by the defendant declining an agreement. The parties

have lead the evidence in full and after the conclusion of evidence the petitioner has filed the application for examination of the document by a hand

writing expert. Learned counsel refers to me a judgment in Damara Venkata Murali Krishna Rao Vs. Gurujupalli Satvathamma, where an

application of defendant for sending the specimen signatures of the plaintiff to document expert for comparison with admitted signatures was

directed to be considered. I do not think that any law as having been made that the application could be filed at any time. It is essentially a matter

of discretion which the Court will exercise and ensure that unnecessary delays in the trial are not caused by such obstructive tactics adopted by the

parties. The suit is of the year 2007 and trial has commenced and the plaintiff was examined in chief immediately thereafter. There is simply no

justification for the plaintiff to come at this point of time for re-opening the case after both sides have concluded their evidence. The counsel refers

to me yet another judgment of the Madras High Court in Chinnappan and C.K. Dhanapal Vs. Chinnammal, I have already held that the discretion

exercised by the Court was appropriately done and there is no scope for intervention in revision. The revision petition is dismissed.