

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No.1145 of 2015
Date of decision: 19.02.2015

Smt. Bimla Devi and others

....Petitioners

Versus

M/s Madan Lal Varinder Kumar

...Respondent

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Kulwinder Singh, Advocate for the petitioners.

G.S.Sandhawalia J.(Oral)

Challenge in the present revision petition filed under Article 227 of the Constitution of India by the petitioners-defendants is to the order dated 6.2.2015 (Annexure P/5) passed by the Civil Judge (Senior Division), Malout.

The trial Court has dismissed the application filed by the petitioners to direct the plaintiff to produce original bahi khata and for seeking permission to take photographs of the signatures of deceased Kundan Lal for comparison. The reasoning given by the trial Court is that the defence of the petitioners-defendants in the written statement was that the plaintiff had obtained signatures of Kundan Lal, predecessor-in-interest of the petitioners on blank papers and the same were misused and therefore, there was no question of comparing the same. The account books had also been produced at the time of cross-examination of the plaintiff and at that time if the defendants wanted to take photographs of the signatures, they should have filed an application at that point of time. The case being fixed for defendants' evidence, the present application filed was accordingly dismissed.

A perusal of the paper-book would go on to show that the suit for recovery filed by the respondent was that Kundan Lal had been working on contract basis with the plaintiff as Tolla at an yearly lumpsum remuneration of ₹ 30,000/- per annum and certain amount had been taken on account of house hold and personal needs. Resultantly, on account of death of Kundan Lal, the

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Chandigarh

suit for recovery was filed claiming a sum of ₹ 4,91,225/- which included the interest element. The suit was based on the regular account books which were maintained in the ordinary course of business which were Kachi Rokar, Pakki Rokar, Khata, Bill Book etc. The defence as noticed was that while taking salary the signatures of the deceased Kundan Lal had been taken on blank papers and the same has been fabricated and manipulated.

Once the signatures have not been denied, the issue of comparing the same from an Handwriting Expert thus has rightly been rejected by the trial Court as no useful purpose would be served in view of the defence taken as comparison could have been ordered only if it had been averred that Kundan Lal had not signed at all. Regarding the issue of producing original bahi khata of account, the original of the same had been produced at the time of cross-examination of the plaintiff and thus also the reasoning given by the trial Court is well justified and the impugned order does not warrant interference under Article 227 of the Constitution of India.

Accordingly, the present revision petition is dismissed.

19.02.2015
Pka

(G.S.SANDHAWALIA)
JUDGE