

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No. 1149 of 2013 (O&M)

Date of decision: 28.08.2015

Sukhvinder Singh

... Petitioner

versus

Isham Singh and others

.... Respondents

2. CR No. 7307 of 2012 (O&M)

Sukhvinder Singh

... Petitioner

versus

Isham Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Sanjiv Gupta , Advocate for the respondents.

K.Kannan, J.

Both the civil revision petitions are between the same parties, CR No. 7307 of 2012 is the revision against the order declining the relief of injunction sought by the plaintiff against the defendant from interfering with his possession. The plaintiff's suit is for specific performance and he was relying on the recital in the agreement delivering up the property in favour of the plaintiff. The relief of injunction has been denied. The civil revision petition No. 1149 of 2013 is the revision against the order

rejecting the prayer of the plaintiff to have the signature of the vendor Jarnail Singh to be compared with the Court's documents in yet another case where Jarnail Singh was said to be a party. The plaintiff was relying on the recital in the supplementary agreement making reference to pendency of another suit and wanted the signature of Jarnail Singh as found in the documents in the said case to be compared with the agreement which was denied by the defendant. The problem has accentuated by the fact that the Jarnail Singh himself has died and the LR's denied even the pendency of yet another suit and also denied that Jarnail Singh was a party or that the Court records contained his signatures. The application for comparison of signatures and drawing up an expert's report was dismissed. The revision in CR No. 1149 of 2013 is against the said order.

The petitioner would rely on a prima facie proof of his possession under the agreement with reference to his averment in the plaint that the suit property which is comprised in rectangle 125 and Khasra No. 21 measuring to an extent of 8 kanals had been already in cultivating possession of the plaintiff and before him by Balkar Singh. While adverting to the averment in the plaint, the defendant's contention was the plaintiff's averments were wrong and denied and the revenue records regarding presumption of truth and the revenue records contained only the name of the defendants. The Courts below were not in error in denying the relief of injunction. I will not make any intervention and dismiss the civil revision No. 7307 of 2012.

As regards the prayer for comparison of signatures, the

contention was that the plaintiff had examined himself and after his side was closed, the defendant have also given the evidence. It was only at the stage of rebuttal and arguments that the plaintiff wanted the comparison of signatures to be brought.

The Counsel seeks for dismissal of the revision petition as withdrawn with liberty to file a fresh application for comparison with reference to admitted documents since the defendant was denying that Jarnail Singh was ever a party in the previous court proceedings from which the plaintiff was seeking to secure documents for comparison. If a fresh petition is filed and the plaintiffs makes a prayer for comparison and for an expert's report, the Court will duly consider the same without in any way being influenced by the decision that was already taken.

The revision petition No. 1149 of 2013 is disposed of as withdrawn with liberty as aforesaid.

(K.KANNAN)
JUDGE

28.08.2015

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