

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No.1381 of 2015
Date of decision: 26.02.2015

Tehal Singh

....Petitioners

Versus

Harbans Kaur and others

...Respondents

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

Present: Mr. K.R.Dhawan, Advocate for the petitioner.

G.S.Sandhawal J.(Oral)

Challenge in the present revision petition filed under Article 227 of the Constitution of India is to the order dated 15.1.2015 (Annexure P/5) passed the Civil Judge (Junior Division), Moga wherein prayer for granting permission to Handwriting expert to take photographs of the signatures of defendants Amrik Singh and Angrej Singh on the sale deed dated 15.11.1984 and got it compared with their signatures on the sale deed dated 13.11.1984 has been rejected.

The reasoning given by the trial Court inter-alia is that since all the sale deeds have been disputed by the defendants and therefore, comparison will not serve any valid purpose. The said reasoning is not liable to be interfered with as the same is justified. However, the counsel for the petitioner submits that the application was not well drafted. Rather the plaintiff's case is that there are three sale deeds in question two were bearing dated 13.11.1984 and 3rd was dated 15.11.1984. The defendants had denied execution of all the three sale deeds. However, plaintiff had examined witnesses of sale deeds dated 13.11.1984 but the witnesses of sale deed dated 15.11.1984 had expired and thus, the present application had been filed for comparison of signatures with the sale deeds dated 13.11.1984. However, this fact has not been mentioned in the application in question. Therefore, this Court is not in a position to adjudicate upon the said fact. Since the said fact has also to be controverted by the

defendants/respondents, in such circumstances, the petitioner is given liberty to file fresh application before the trial Court, if so he desires, incorporating the said facts.

With the aforesaid observations, the present revision petition is disposed off.

26.02.2015
Pka

(G.S.SANDHAWALIA)
JUDGE