

In the High Court of Punjab and Haryana at Chandigarh

CR No. 1958 of 2015

Date of decision: 19.03.2015

Dharamvir

.....Petitioner

Versus

Dharampal

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.Ramender Chauhan,Advocate
for the petitioner.

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SABINA, J

Petitioner has filed this petition challenging the order dated 10.2.2015 (Annexure P4) whereby application moved by the respondent seeking a direction that Rakesh, son of the petitioner should give his specimen writing so that the same could be compared with the writing dated 5.9.2010, was allowed.

Learned counsel for the petitioner has submitted that the trial Court had erred in allowing the application moved by the respondent as the same had been moved at the stage when the case was listed for rebuttal evidence.

In the present case, respondent has filed suit for mandatory injunction. The case of the respondent is that he had taken loan from the petitioner to the tune of ₹5000/- on 5.6.2001 and as security he had handed over his gold chain weighing 23 grams to

the petitioner. When the respondent went to return the loan amount, the petitioner raised a demand of ₹86,800/- in lieu of ₹5000/-. A writing Exhibit P1 in this regard was prepared on 5.9.2010 by Rakesh, son of the petitioner. Petitioner had denied the writing in question. However, the petitioner has not examined his son in the witness box. Thus, respondent did not get any opportunity to cross-examine Rakesh, son of the petitioner and the writing in question could not be put to the said witness for admission or denial. In these circumstances, the only remedy left open with the respondent is to move an application in question for seeking a direction that Rakesh, son of the petitioner be summoned to give his specimen handwriting so that the same could be compared with the writing Exhibit P1.

In the facts and circumstances of the present case, although, the application was moved, at the stage, when the case was listed for rebuttal evidence but the same was liable to be allowed as it will enable the trial Court to dispose of the lis between the parties in a just and fair manner. No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

March 19, 2015
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