

110

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

CR No.3302 of 2015

Date of decision: May 15, 2015

Babu Singh

.....Petitioner

Versus

Raj Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. B.S. Sra, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 18.04.2015, whereby application moved by the plaintiff for direction to DW Pargat Singh to furnish his signature/writing for the purposes of comparison with the disputed writing/signature on the pronote and receipt, was allowed.

Learned counsel for the petitioner has submitted that the trial Court has erred in directing DW Pargat Singh for giving his signature on the pronote and receipt. In fact by doing so, the Court has assisted the plaintiff in collecting evidence on his behalf.

Section 73 of the Indian Evidence Act, 1872 reads as under:

“73. Comparison of signature, writing or seal with others admitted or proved. In order to ascertain whether a signature, writing or seal is that of the person by whom it purports to have been written or

made, any signature, writing or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing or seal has not been produced or proved for any other purpose.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.”

Thus, as per the above provision, the Court has ample power to direct any person to write any words for the purpose of enabling to the Court to get the same compared with the disputed writing.

Respondent has filed suit for recovery on the basis of pronote and receipt. The said pronote and receipt are allegedly scribed by Pargat Singh. However, when Pargat Singh appeared in the witness-box, he denied that he had scribed the pronote and receipt. Due to this reason, plaintiff moved an application before the trial Court for directing DW Pargat Singh to furnish his standard signature and writing, so that it could be got compared with the pronote and receipt dated 25.08.2007. During the course of arguments, learned counsel for the petitioner has shown the photocopy of the pronote and receipt in question. A perusal of the same reveals that the same has been scribed by Pargat Singh.

Since Pargat Singh while appearing in the witness-box had

denied that he had scribed the pronote and receipt, the learned trial Court rightly allowed the application moved by the plaintiff for direction to DW Pargat Singh to furnish his standard signature and fill-in the pronote and receipt in the Court, so that his signature/writing could be got compared with the pronote and receipt in question.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

May 15, 2015

m.singh