

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No. 5530 of 2015 (O/M)  
Date of decision : 27.8.2015

Gurinder Singh and another ..... Revisionists

Versus

Kuldip Singh and others ..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Dinesh Mahajan, Advocate, for the revisionists.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 20.7.2015, passed by the learned Additional Civil Judge (Senior Division), Khadoor Sahib, vide which the learned Additional Civil Judge (Senior Division) reviewed its order dated 6.4.2015 (Annexure-P-1) and ordered that the defendants will produce the original affidavit and thereafter only the comparison of signatures can be done.

Briefly stated, vide order dated 6.4.2015 (Annexure-P-1), passed by the learned Additional Civil Judge (Senior Division),

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Khadoor Sahib, the application of the present revisionists to appoint handwriting expert with the direction to get the signatures of defendant No. 1 compared with the same on the affidavit given to the plaintiffs regarding sale of tubewell connection in dispute, was allowed. Later on, a review application was filed by the opposite party, in which it was brought to the notice of lower Court that the affidavit, on which his signatures are sought to be got compared, is only the photocopy and, therefore, no comparison of signatures on the photocopy can be allowed. Therefore, the lower Court reviewed its order, stating that the signatures can be compared only with the original document.

The contention of the learned counsel for the revisionists is that the impugned order amounts to allowing the appeal against its own order and secondly, the review was time barred.

I am of the view that the order is perfectly in accordance with law. Under Section 114 of Code of Civil Procedure, 1908, if no appeal lies from the order, the Court can review its order. When order dated 6.4.2015 was passed, the fact that the affidavit, on which the disputed signatures exist is only the photocopy, escaped from the notice of the lower Court, therefore, the comparison was allowed. However, when this fact came to the notice of the lower Court, it was ordered that the comparison can be allowed only with the original document. It would follow that the order allowing

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examination of handwriting expert still stands, but the comparison of the signatures of defenant No. 1 can be allowed only if it is to be done with the original document. There is no illegality in the same. The order, which is passed on account of some facts, escaping the notice of the Court, can always be reviewed even under Section 151 CPC, relating to the inherent power of the Court. It being so, there is no illegality in the impugned order. However, it shall always be open to the revisionists to get the original documents produced in the Court from the concerned authority or register of the notary public where the original signatures of defendant No. 1 are present and get the same compared.

The revision is accordingly dismissed.

(KULDIP SINGH)  
JUDGE

27.8.2015  
sjks