

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

(223)

CR No.549 of 2013

Decided on: April 28, 2015.

Tarlok Singh

.... Petitioner

Versus

Bachittar Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. G.S. Sirphikhi, Advocate,
for the petitioner.

Mr. R.D. Bawa, Advocate,
for respondents No. 1 and 2.

M.M.S. BEDI, J (ORAL)

Petitioner, who appears to be resident of Dubai, through his general attorney Smt. Gurdip Kaur, has filed a suit for declaration on 16.07.2005 to the effect that he is co-owner in possession to the extent of 1/6th share in the land measuring 170 kanals mentioned in the heading of the plaint alleging that he had not executed any sale deed in favour of his brothers, Gurmeet Singh and Santokh Singh, predecessors-in-interest of the defendants.

Vide impugned order, his application for taking his specimen signatures for comparison on the sale deed dated 05.08.1988 has been dismissed inter alia on the ground that the sale deed is dated 05.08.1988 whereas the plaintiff-petitioner has filed the suit in the year 2005 and that he has already appeared as PW-1. The application for comparison and taking of signatures has been filed after 22 years of the registered documents having allegedly been executed by the plaintiff.

Learned counsel for the petitioner submits that the petitioner can give his specimen signatures, which could be compared with those on the sale deed to arrive a conclusion that the sale deed contains forged signatures.

I have heard learned counsel for the parties and it appears that the plaint is silent about the comparison of the signatures on the sale deed with any admitted signatures. Even if it is presumed that petitioner wants to give his specimen signatures for comparison, the said request cannot be acceded to as it is always open to the writer to change his handwriting in the specimen signatures. Moreover, the signatures on the sale deed are alleged to have been appended on 05.08.1988 and the same might not have any comparison with the signatures appended by the petitioner after gap of 22 years. No doubt the execution of the sale deed can be disproved on other circumstances mentioned in the plaint by producing the relevant evidence. Taking of specimen signatures of the plaintiff might not be an appropriate step for just decision of the matter.

No ground is made out for interference in the impugned order.

Dismissed.

(M.M.S. BEDI)
JUDGE

April 28, 2015
harsha