

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

Civil Revision No.7169 of 2015 (O&M)

Date of decision: 15.12.2015

Santosh Devi

.....Petitioner

Versus

Sube Singh

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rakesh Dhiman, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 09.07.2015 passed by the Civil Judge (Senior Division), Patna, whereby application filed by the plaintiff-petitioner for directing the defendant-respondent to give specimen thumb impression and signature, has been dismissed.

A perusal of the impugned order shows that the defendant-respondent, in his written statement alleged that the agreement to sell was fabricated and the plaintiff-petitioner had obtained writing on stamp papers. He has nowhere denied his thumb impression or signatures on the agreement to sell dated 23.09.2008. The defendant was contesting the suit on the ground that the sale consideration was fictitious. It was not at the rate of Rs.200/- per sq. yard, but was at the rate of Rs.2000/- per sq. yard. Moreover, the original agreement to sell has been lost by the plaintiff himself. While dismissing the application, the trial Court has observed that comparison of thumb impression/signatures of the defendant would serve no

purpose as the same could not be compared with the photostat copy of the

agreement to sell, which has been placed on the file.

Keeping in view that the defendant-respondent had admitted his signatures on the document, there is no need to get his thumb impression/signatures compared.

In view of the above, the impugned order does not require any interference.

Dismissed.

However, the observations made by the trial Court in the impugned order will not have any bearing on the decision of the suit on merits.

15.12.2015
ajp

(RITU BAHRI)
JUDGE