

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7640 of 2014 (O&M)
Date of decision: 23.04.2015

Nirbhai Singh

... Petitioner

versus

Jaggar Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Aakash Singla, Advocate, for the petitioner.
Mr. Raman Mohinder Sharma, Advocate,
for LR's of respondent No. 1 and respondent Nos. 2 and 3.

K.Kannan, J.

The plaintiff sought for production of the sale deed set up by the defendants but the defendant resisted by a plea that the original could not be produced in Court, the Court, therefore, consigned the application. The plaintiff thereupon in the course of his evidence produced the evidence of an expert who brought a comparison of the signature of the father with the copy of the disputed document and the evidence was that the thumb impression on the document could not be compared. After the plaintiff side was closed when the defendant examined himself, he brought the original sale deed which he had earlier declined to produce. After the original was filed, the plaintiff has again renewed a prayer for examination by an expert for comparison of signature with reference to the signature found in the disputed document, the original of which was produced by the defendant subsequently. In my view, there was a justification made by the plaintiff to come up with such a request when the defendant was not prepared to comply with the demand earlier and the application for

comparison has been filed by the petitioner immediately after the original document has been filed by the defendant.

Learned counsel appearing on behalf of the respondent states that the plaintiff suit is vexatious and out of four sale transactions executed by the father, the plaintiff has challenged only two sale transactions now and when the previous evidence of the expert was inconclusive, there is no reason for allowing the plaintiff the benefit of the second report.

I have already explained the justification for the application in the context of the defendant's unwillingness to produce the original earlier. The order passed is erroneous and is set aside. The civil revision petition is allowed. The Court shall allow for the hand-writing expert or finger print expert to take the comparisons with the original documents filed by the defendants purporting to contain the thumb impressions/signatures of the plaintiff's father and allow for the continuance of trial in accordance with law.

(K.KANNAN)
JUDGE

23.04.2015

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