

CRM-M-38241-2015

[1]

In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision: 06.11.2015

M/S Varun Trading Company

...Petitioner

Versus

Smt. Chander Wati

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Johan Kumar, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 08.10.2015, whereby, application moved by the petitioner for sending the cheque in question for expert opinion qua the signatures on the cheque, was dismissed.

Respondent has filed a complaint under Section 138 of Negotiable Instruments Act, 1881 against the petitioner qua dishonour of cheque in question. During the pendency of the trial, petitioner moved an application that necessary permission be granted to the handwriting and signature expert to compare the signatures on the cheque in question with the standard signatures of Jaswant Singh.

Learned trial Court while dismissing the application has observed that cheque in question was dishonoured due to

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“insufficient funds” and not for the reason that “signature differs”.

Annexure P-3 is the reply filed by respondent to the application moved by the petitioner. In preliminary objection No.3, it has averred that counsel for the petitioner had asked the complainant in her cross-examination that it was incorrect to suggest that her son Yogender had gone to the shop of the accused and taken signed blank cheque from his cheque book and later it was filled by her and used to file the false complaint. Thus, a suggestion had been put to the complainant that blank signed cheque had been misused after it was taken by her son.

In this factual background, learned trial Court has rightly dismissed the application moved by the petitioner for getting the signatures on the cheque in question compared from an handwriting and signature expert. No ground for interference by this Court, is made out.

Dismissed.

November 06, 2015
kapil

(SABINA)
JUDGE