

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

CR No.187 of 2016

Date of decision: 16.03.2016

Chanan Singh

..... Petitioner.

Versus

Punjab National Bank

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Parminder Singh, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present civil revision petition has been preferred against the order dated 05.01.2016 passed by the learned Civil Judge (Sr. Division), Ambala, vide which the application moved by the petitioner-defendant for comparison of thumb impression over the documents has been dismissed.

2. Notice of this revision petition was issued to the respondent. The respondent bank was duly served through its Manager, but none has appeared on behalf of the respondent.

3. Learned counsel for the petitioner contended that the evidence of the defendant is still continuing. Petitioner wants to examine the finger print expert in his own evidence.

The petitioner has every right to adduce whatever evidence he

wants to prove his plea. This right of the petitioner cannot be curtailed by the Court. The petitioner wants to examine the finger print expert to show that he has never executed the balance confirmation letters Ex.P-22 and Ex.P-23. There is no clear admission of the petitioner that he has thumb marked these documents. Thus, he pleaded that the application moved by the petitioner has been wrongly dismissed.

4. I have duly considered the aforesaid contentions.

5. The petitioner sought the permission from the learned trial Court for taking the photographs of the documents Ex.P-22 and Ex.P-23, the balance confirmation certificates in order to show that the same are not thumb marked by him and has been fabricated by the plaintiff bank. But, the application moved by the petitioner does not seems to be *bonafide*. In the written statement filed by the petitioner, he has not denied the advancement of the loan, rather in the written statement he has alleged that he is not a defaulter of the bank. Learned counsel, representing the petitioner in the learned trial Court, has given a specific suggestion to PW-1 that the thumb impression of the petitioner were taken on EX.P-22 and Ex.P-23 at the time of sanction of the loan and later on those were converted into these documents. Thus, impliedly the defendant has admitted his thumb impressions on the documents Ex.P-22 and Ex.P-23. Once the thumb impressions have been admitted on both these documents,

the moving of application for taking the photographs of documents Ex.P-22 and Ex.P-23 and then to examine the expert only seems to be a move on the part of the petitioner just to prolong the case.

6. Thus, I do not find any illegality in the impugned order calling for any interference by this Court.

7. Resultantly, the present revision petition having, no merits, is hereby dismissed.

16.03.2016

S.khan

**(DARSHAN SINGH)
JUDGE**