

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

Sr. No.301

CR-3644-2005

Pronounced on : 8th September, 2016

M/s Ram Rattan Hans Raj and others

..... Petitioners

VERSUS

Pritam Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE

HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Satinder Khanna, Advocate, for the petitioners.

Mr.Munish Gupta, Advocate, for the respondent.

DEEPAK SIBAL J.

Through the present petition the petitioners challenge order dated 06.05.2005, passed by the Additional Civil Judge (Senior Division), Jagraon, through which their application for referring the receipt on the pronote, which formed the basis of the suit for recovery filed against them, to the Government Security Press, Nasik (for short the 'Press') for its opinion with regard to the age of the revenue stamp affixed on the receipt thereupon was dismissed.

2. Vide order dated 06.09.2007, the present petition was admitted to be heard alongwith CR-5327-2006 “Balbir Singh Vs. Sat Narain which petition had been admitted to be heard by a Division Bench for the reason that the learned Single Judge found conflict on the issue of reference of the matter to the Press with regard to the age of the revenue stamp in the cases

of Hari Chand vs. Avtar Singh, 1999(4) RCR (Civil) 123 and Kaur Chand vs. State Bank of Patiala, 1990 Civil Court Cases 665, wherein it had been held that on an application filed by the defendant it was necessary to send to the Press the revenue stamps affixed on the pronote and receipt in question for verification, and on the other hand, in the case of Gurcharan Singh vs. Raj Krishan, 1993 Civil Court Cases 527, wherein it had been held that the sending of the pronote and receipt in question for verification was wholly unnecessary.

3. The facts in brief, which need to be noticed for adjudicating upon the present petition are that the respondent/plaintiff had filed a suit for recovery on the basis of a pronote allegedly executed by the petitioners/defendants. After the evidence of both parties had been led and the case was fixed for rebuttal evidence and arguments, an application was moved on behalf of the petitioners/defendants seeking to refer the receipt on the pronote for opinion of the Press with regard to the age of the revenue stamp affixed thereupon. The application was considered and rejected through the impugned order on the ground of delay.

4. With regard to the conflict of the opinion expressed by this Court in the cases of Hari Chand's case (supra), Kaur Chand's case (supra) on one hand and Gurcharan Singh's case (supra) on the other hand, leading to the admission of this case to be heard by a Division Bench is concerned, the issue has already been decided in a recent judgment rendered by us in CR-3643-2005 “M/s Ram Rattan Hans Raj and others vs. Harbhajan Singh”.

5. However, while considering the present petition on facts, we find that the written statement in the case in hand was filed by the

petitioners/defendants on 15.10.1998 and the application seeking to refer to the Press for its opinion the revenue stamp affixed on the receipt which formed the basis of the recovery suit, was filed only on 14.10.2004 i.e. after a delay of six years and that too after the evidence of both the parties had been closed. No cause was shown by the petitioners as to why they did not move the application earlier.

6. In view of the above, the present petition is dismissed.

7. No costs.

[S.J. VAZIFDAR]
CHIEF JUSTICE

8th September, 2016

shamsher

[DEEPAK SIBAL]
JUDGE

Whether reasoned/speaking : Yes / No

Whether reportable : Yes / No