

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

Decided on: 19.09.2016

1. CR No.5315 of 2016

Jyoti Sharma		Petitioner
	Versus	
Rita Chadha and another		Respondents

2. CR No.5319 of 2016

Jyoti Sharma		Petitioner
	Versus	
Gaurav Nayyar		Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. D.S. Gandhi, Advocate
for Mr. Ashish Aggarwal, Advocate
for the petitioner (in both the petitions)

REKHA MITTAL, J. (Oral)

This order will dispose of CR Nos.5315 and 5319 of 2016 as common questions of law and facts are involved for adjudication. For brevity, facts are taken from CR No.5315 of 2016.

Smt. Rita Chadha – respondent No.1 has filed a suit for possession of house built on Plot No.157-A detailed in headnote of the plaint by way of specific performance of agreement to sell dated 18.12.2013 purported to be executed by the petitioner/defendant No.1. The instant application was filed by the respondent/plaintiff for issuance of directions to the petitioner to give her specimen signatures in Punjabi for comparison with the original agreement to sell from an handwriting expert. After the reply filed by the petitioner and having heard counsel for the parties, the application was allowed vide order impugned with a direction to the petitioner to give her specimen

signatures in the Court for the purpose of comparison with the signatures on the agreement to sell dated 11.06.2013 and the respondent/plaintiff was directed to place on record the original agreement to sell before taking signatures for comparison.

The sole submission made by counsel for the petitioner is that as the petitioner does not know how to write in Punjabi and has never affixed her signatures in Punjabi, she cannot be forced to give her specimen signatures in Punjabi for the purpose of comparison. It is further submitted that a specific plea was raised in the reply to the application that the petitioner always signed in English and as such she cannot be asked to put her signatures in Punjabi.

I have heard counsel for the parties, perused the paperbook particularly the application filed under Section 151 CPC, reply thereto filed by the petitioner and the order impugned.

The petitioner in response to Paras 4 and 5 of the application has raised the averments that the alleged agreement does not bear her signatures and she never signed any document in Punjabi till date and always signed the documents in English. It is not plea of the petitioner that she does not know Punjabi or how to write her name in Punjabi. This apart, the reply is not supported by an affidavit nor contents thereof have been verified by the petitioner. In this view of the matter, I do not find any error much less illegality in the impugned order as would call for intervention in exercise of supervisory jurisdiction of this Court.

For the foregoing reasons, the petitions fail and are accordingly dismissed *in limine*. However, nothing stated in this order

shall be construed as an expression of opinion on merits of the case.

19.09.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No