

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

**CR-5913-2016 (O & M)**

**Date of decision: 09.09.2016**

Sarwan Singh

....Petitioner

V/s

Rakesh Kumar and ors.

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Anil Chawla, Advocate, for the petitioner.

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**Rajan Gupta, J. (Oral)**

Present revision petition is directed against the order dated 16.08.2016 passed by the Civil Judge, Junior Division, Amritsar, whereby the trial court has allowed application moved by the defendant to examine handwriting expert for comparison of questioned signatures of Chaman Lal with his standard signatures.

It has been urged before this court that order is not in the spirit of the remand order passed by the appellate court at Amritsar. Besides, same is beyond the permissible defence evidence.

I have heard learned counsel for the plaintiff (petitioner herein). Plaintiff preferred a suit for specific performance. Same was decreed on 6<sup>th</sup> December, 2013. It was directed that alternative plea of the plaintiff for recovery be allowed. Plaintiff as well as defendant impugned the order before the lower appellate court. The said court remanded the case to the

trial court with following observations:-

*“The trial court may allow the plaintiff to lead any other evidence if he wants to do so. If the application filed by plaintiff for recall of witnesses is allowed, he shall be allowed only three effective opportunities to conclude his evidence and it shall be the duty of the plaintiff to produce his evidence at own responsibility. After plaintiff has led his evidence, the defendants shall be allowed reasonable opportunity to lead fresh evidence if they choose to do so. The trial court shall then proceed to decide the suit afresh in accordance with provisions of law, as expeditiously as possible. In view of observations made above, the appeal filed by the defendants is dismissed. The application for additional evidence filed by the plaintiff is also dismissed since he has been allowed to file fresh application before the trial court. The parties are left to bear their own costs. The observations made above shall not be taken as an expression of opinion on the merits of the case and the trial court shall not be influenced by any of these observations. Parties are directed to appear before the trial court or its successor court on 18.4.2016 for receiving further orders. The record of trial court be returned forthwith. A copy of this judgment be placed on the appeal file titled ‘Rakesh Kumar and others v. Sarwan Singh and others’. Appeal files be separately consigned to the record room.”*

Thereafter, plaintiff led his evidence, defendant moved the instant application for comparison of signatures. Same has been allowed observing that the defendant had categorically denied the execution of agreement to sell.

I find no infirmity with the order. A perusal of the remand order shows that after conclusion of evidence by plaintiff, defendant was to be allowed reasonable opportunity to lead fresh evidence. I am of the considered view that the order passed by the court below does not violate the

remand order in any manner. This petition is without any merit and is hereby dismissed.

**September 09, 2016**  
sukhpreet

**(RAJAN GUPTA)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No