

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

CR No.6480 of 2015

Date of decision : 27.05.2016

Ram Chander

...Petitioner

Versus

Ajit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Narender Kaajla, Advocate for the petitioner.

Mr. Aditya Kochar, Advocate for respondent.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiff is aggrieved of the dismissal of the application seeking indulgence of this Court for issuance of appropriate direction to the defendants for giving specimen signatures for comparison by handwriting expert on the agreement to sell dated 30.06.2010 and 28.06.2013 in suit for specific performance.

Mr. Narender Kaajla, learned counsel appearing on behalf of the petitioner submits that in the suit when reached the stage of plaintiff's evidence, application was moved seeking indulgence, as defendant in written statement, specifically denied the signature on the agreement to sell. In case such steps are not taken, adverse inference shall be drawn, much less, in rebuttal would be

able to lead evidence in the absence of the rebuttal issue.

Mr. Aditya Kochar, learned counsel appearing on behalf of respondent submits that application at this stage is not maintainable for neither the plaintiff nor any attesting witness of the agreement to sell has stepped into the witness-box and thus urges this Court for affirmation of the findings under challenge.

I have heard learned counsel for the parties and appraised the paper book and of the view that no doubt the petitioner-plaintiff cannot be prevented from taking the specimen signatures compared from the expert for the purpose of proving the case qua execution of the two agreement to sells dated 30.06.2010 and 28.06.2013 but the stage is little early as he should have examined the attesting witness and himself.

Accordingly, the application seeking aforementioned direction is hereby allowed, subject to the condition that defendant will give his specimen signatures only when plaintiffs examines himself and one of the attesting witness.

Mr. Narender Kaajla, further submits that admitted signatures are already filed on the Vakalatnama and the exercise of comparison could have been done. Be that as it may, before the plaintiff seeks the specimen signatures, he should have first examined himself and or any other witnesses and, thereafter, exercise as noticed/requested in the application shall be permitted.

Impugned order is hereby set aside.

Revision petition is disposed of in the aforementioned terms.

27.05.2016

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**(AMIT RAWAL)
JUDGE**