

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 768 of 2014

Date of Decision: 29.1.2016

Mohinder Singh and others

---Petitioners

versus

Umrav Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Inderjeet Singh, Advocate
for the petitioners
Mr. N.S.Dhillon, Advocate
for the respondent

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

Rekha Mittal, J.

The present petition has been directed against the order dated 17.1.2014 (Annexure P-3) passed by the Civil Judge (Junior Division), Bilaspur District Yamuna Nagar, dismissing the application for appointment of an handwriting expert.

The petitioners/defendants filed an application for appointment of Mr. R.D.Babbar as an handwriting expert and to direct the X.E.N., T.S. Division of UHBVN Radaur Road, Yamuna Nagar and the Record Keeper of the court of District Judge, Yamuna Nagar to provide records to the handwriting expert.

The plea of the petitioners is that in the case titled "State Vs.

Ajmer Singh and others” pertaining to FIR No. 37 of 2004 decided by the Court of Additional Sessions Judge, Yamuna Nagar at Jagadhari, Ram Singh appeared as a defence witness. Umrav Singh, respondent/plaintiff, his brother Chhattar Pal and Ajmer Singh his father were acquitted by the Court of Additional Sessions Judge, Yamuna Nagar. Ram Singh DW1 gave an affidavit to the petitioners/defendants before deposing in the Court. On his statement recorded in the court, he intentionally put different signatures under the pressure of the X.E.N., T.S. Division of UHBVN Radaur Road, Yamuna Nagar under whom Ram Singh was working as a Chowkidar. The signatures on the documents are required to be compared by an handwriting expert, for the just and proper decision of the case.

The learned trial court, after filing of reply to the application by the respondent/plaintiff and having heard counsel for the parties, dismissed the application vide impugned order dated 17.1.2014.

Counsel for the petitioners would submit that a serious prejudice is likely to be caused to the petitioners in case they are not allowed to examine the handwriting expert Mr. R.D.Babbar on the basis of comparison of signatures of Ram Singh.

Counsel for the respondents has supported the order passed by the trial court with the submission that the instant application was filed with sole intent to delay the proceedings.

I have heard counsel for the parties, perused the records and find no merit in the petition.

The application filed by the petitioners is too vague and does not indicate as to with which document signatures of Ram Singh available

in the record of the office of the X.E.N., T.S. Division of UHBVN Radaur Road, Yamuna Nagar and records of Sessions Court, Yamuna Nagar at Jagadhari are to be compared and further how comparison of those signatures would enhance the cause of justice or is necessary for just and proper decision of the case. The prayer of the petitioners for appointment of Mr. R.D.Babbar as an handwriting expert is not tenable under any provisions because if the petitioners wanted to avail of the services of an expert, they have to engage the person concerned. There can be no direction by the Court that records available in the record room of Sessions Court, Yamuna Nagar be handed over to an handwriting expert.

Though it is not very clear as to the purpose sought to be served by the application filed by the petitioners but assuming that the petitioners wanted comparison of signatures to prove that Ram Singh DW1 made a false statement before the Court in case “State vs. Ajmer Singh and others” the Civil Judge (Junior Division), Bilaspur cannot sit in appeal over the judgment of acquittal passed by the Additional Sessions Judge, Yamuna Nagar. Further, the learned trial court has noticed that there is no plea raised in the written statement that Ram Singh made different signatures under pressure of X.E.N., T.S. Division of UHBVN Radaur Road, Yamuna Nagar. Taken from any angle, I do not find any error much less illegality in the impugned order as would call for intervention.

Dismissed.

(Rekha Mittal)
Judge

29.1.2016

PARAMJIT