

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

Civil Revision No.1410 of 2017(O&M)

Date of decision: 16.5.2017

Sandeep Kumar

...Petitioner

Versus

Naresh Chander

...Respondent

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. N.S.Dadwal, Advocate for the petitioner.

Mr. Sudesh Sahi, Advocate for

Mr. Arvind Kashyap, Advocate for the respondent.

G.S.SANDHAWALIA, J. (Oral)

The petitioner-tenant challenges the order dated 4.10.2016 whereby his application for comparison with the admitted signatures and handwriting has been rejected by the Rent Controller, Chandigarh apart from giving the voice sample on the ground that the comparison can be done from the power of attorney filed by the petitioner-landlord. It has been further observed that he cannot be compelled to give his specimen handwriting as it would go against Article 20(3) of the Constitution of India.

Counsel for the respondent has given his consent that the application be allowed to the extent that the petitioner-landlord is willing to give his specimen handwriting for the purpose of comparison. He, however, objects for giving of voice sample which was prayed in the application.

Notice of motion was issued on 27.3.2017 and at that point of time, the relief was restricted only to the comparison of the handwriting on Marks R-1 to R-11. The order reads as under:-

“Inter alia restricts his relief to the comparison of the

handwriting on Marks R1 to R11, to contend that the figures would show that the electricity charges have been paid to the landlord and the handwriting, was at the hands of the landlord. Thus, the argument is that rent had also been paid. It is submitted that the signatures, as such, on the ejectment application and the power of attorney, could not be used to compare the style of the figures which are written by the landlord.

Notice of motion for 02.05.2017.

Dasti.

Passing of final order shall remain stayed.”

Keeping in view the consent given and even otherwise, this Court is of the opinion that the impugned order dated 4.10.2016 is not justified. Unnecessarily reference has been made to Article 20(3) of the Constitution of India which would not applicable as it is not a case of criminal prosecution.

Resultantly, the present revision petition is allowed. The impugned order dated 4.10.2016 is set aside. The landlord will give his specimen handwriting as prayed for in the application dated 19.8.2016 (Annexure P/3).

May 16, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No