

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 2313 of 2017

Date of decision:- 09.08.2017

Sille Singh

...Petitioner

Versus

Badlu Ram (deceased) through LR's and anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. N.K. Malhotra, Advocate
for the petitioner.

Mr. Chanderhans Yadav, Advocate
for respondent Nos. 1 (a) to 1(f)

RITU BAHRI J. (Oral)

This petition under Article 227 of the Constitution of India is for setting aside order dated 26.10.2016 (Annexure P-6) passed by the learned Civil Judge (Jr. Divn.) Jhajjar, whereby the application for comparing thumb impression of respondent No. 1 regarding agreement dated 20.04.2010, was dismissed.

Learned counsel for the petitioner submits that the petitioner is seeking for comparing the thumb impression of Badlu Ram, as it is necessary for proper adjudication of the case, as the case of the petitioner solely depends upon proving of agreement dated 20.04.2010.

On the other hand, learned counsel for respondent No. 1 states that respondent No. 1 admits his signatures but submits that it has been taken fraudulently by the petitioner on the blank paper.

Since the main dispute is with regard to the above agreement, the application of the petitioner for comparing thumb impression of

respondent No. 1 regarding agreement dated 20.04.2010 should have been allowed for just decision of the case.

In view of the above discussion, the revision petition is allowed and order dated 26.10.2016 (Annexure P-6) passed by the learned Civil Judge (Jr. Divn.) Jhajjar is set aside. Accordingly, the trial Court is directed to give one effective opportunity to the petitioner for comparing thumb impression of respondent No. 1 regarding agreement dated 20.04.2010 , subject to payment of cost of Rs.5000/- to be paid by the petitioner to the defendants.

August 09, 2017
G Arora

(*RITU BAHRI*)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No