

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4388-2017 (O&M)
Date of Decision:- 10.07.2017

Sukhchain and another

.....Petitioners

Versus

Varinder Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Kewal Singh, Advocate,
for the petitioners.

RITU BAHRI, J. (Oral)

Present revision petition under Article 227 of the Constitution of India for setting aside the order dated 08.02.2017 (Annexure P-5), passed by learned Civil Judge (Jr. Divn.), Barnala, whereby application made by respondent No.1/plaintiff has been allowed with the direction to the petitioners to give their thumb impressions and setting aside order dated 15.05.2017 (Annexure P-6), passed by learned Civil Judge (Jr. Divn.), Baranla whereby adverse inference has been drawn against the petitioners.

As is evident from the record that learned Civil Judge (Jr. Divn.), Barnala, after taking into consideration the facts and all the

contentions pertaining to appreciation of evidence, has allowed the application filed by the plaintiff(s), by virtue of order dated 08.02.2017, which in substance is as under: -

“Heard the learned counsel for the parties on an application filed by the plaintiff/applicant for directing the defendant No.1 and 2 to provide specimen thumb impressions for purpose of comparison. The plea of the applicant is that the thumb impressions of Malkit Singh and Bakshish Singh were got appended only document vide which the electricity connection was changed by defendant No.1 and 2 impersonating themselves to be Malkit Singh and Bakshish Singh. The original file of PSPCL is attached with judicial file and for the purpose of comparison the thumb impression are required. In reply the defendant No.1 and 2 have denied the facts and have prayed for dismissing the application.

Section 73 of the Evidence Act specifically provide for comparison of signatures or writing or seal with other admitted or proved documents. Court can direct any person present in the Court to write any words or figures for the purpose of comparison. So the present application is maintainable and the defendant is directed to provide its specimen signatures and thumb impressions. Now to come upon 01.03.2017 for this purpose of providing thumb impression.”

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the learned Civil Judge (Jr. Divn.), Barnala, has rightly allowed the application filed by the plaintiff and has examined the matter in the right perspective, recorded the cogent grounds and correctly passed the impugned order. Such order, containing valid reasons, cannot possibly be interfered with by this Court, unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, therefore, the instant revision petition is hereby dismissed.

It is being clarified that in the order dated 15.05.2017 (Annexure P-6) no adverse inference be drawn against petitioner No.2/defendant No.2 as he has already participated in the proceedings.

July 10, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No