

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Revision No.4431 of 2017 (O&M)
Date of Decision:22.08.2017

Malkiat Singh

...Petitioner

Versus

Jabbar Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhinav Jain, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff is in Revision Petition against order dated 05.11.2016.

Plaintiff filed an application for permission to lead secondary evidence of sale deed dated 23.08.2001 for the purpose of comparison of the same with the signatures on the affidavit. Learned trial Court after hearing the parties, has passed the order dated 05.11.2016, which reads as under:

“3. Heard. Record perused. The claim of the plaintiff is that Gobind Singh, father of defendant, executed an affidavit dated 23.8.2001 Ex.P2 whereby he admitted the factum of jointness of the disputed motor connection with plaintiff and Surjan Singh but the defendant is challenging the execution and genuineness of the said affidavit and terming the same to be forged and fabricated document. Now plaintiff intends to prove the genuineness of the above said affidavit Ex.P2 by comparing the signatures on said affidavit with the signatures of Gobind Singh on the sale deed dated 23.08.2001. The said sale deed is alleged to be in custody of the defendant but he denied the fact that said sale deed is in his custody. So, in a

way the plaintiff wants to prove the said sale deed by way of secondary evidence for the purpose of proving the genuineness of the above said affidavit by comparing the signatures of copies of both the documents. But it is not permissible under law to compare the signatures from the copy of a document and original document must be there for the purpose of comparison of signatures. Further the original document of above said affidavit dated 23.08.2001 is also not on the file and only the copy of the same is produced and proved. So in these circumstances, no ground is made out to allow the application and the same is hereby dismissed.”

Learned counsel for the petitioner has submitted that since original sale deed is in the possession of the defendant, therefore, the petitioner was left with no choice but to file an application for permission to lead the secondary evidence.

I have considered the submission of the learned counsel for the petitioner.

In this case, the petitioner is wanting to produce copy of the sale deed dated 23.08.2001 only for the purpose of comparing the signatures of Gobind Singh, father of the defendant. The original sale deed is not available with the petitioner, therefore, no comparison is possible.

For the reasons recorded above, revision petition is dismissed.

(ANIL KSHETARPAL)
JUDGE

22.08.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No