

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

CR No. 4842 of 2017(O&M)

Date of decision: 8.8.2017

Sham Sunder Chopra

....Petitioner

VERSUS

Balwinder Singh Arora and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Raman Sharma, Advocate for the petitioner.

REKHA MITTAL, J.

The present petition directs challenge against order dated 12.05.2017 (Annexure P-3) passed by the Civil Judge (Senior Division), Jalandhar whereby application filed by the petitioner for summoning Kartar Singh – respondent No.3 to give his signatures as Manjit Singh for comparison with signatures of Manjit Singh on Ex.P1 (agreement to sell) has been dismissed.

Counsel for the petitioner has submitted that as Kartar Singh – respondent/defendant No.3 had put signatures as Manjit Singh on agreement to sell Ex.P1, in order to clinch the controversy involved in the suit for recovery of Rs.31,15,000/-, Kartar Singh is required to sign as Manjit Singh to enable the petitioner to get the specimen signatures/writing compared with signatures as Manjit Singh on the agreement to sell Ex.P1. It is further argued that if respondent No.3 cannot be asked to sign as Manjit Singh, he may be directed to write the word 'Manjit Singh' on a

sheet of paper. In support of his contention, he has tried to rely upon Section 132 of the Indian Evidence Act, 1872 (in short 'the Act')

I have heard counsel for the petitioner, perused the paper-book but find that the petition is devoid of merit and deserves to be rejected.

The trial Court in para 4 has held, reproduced hereinbelow:-

“4. As far as question of comparison of signature is concerned, party can be directed to give his own specimen signature for comparison with the disputed signature but relief claimed by the plaintiff is to append signature by Kartar Singh as Manjit Singh and thereafter getting the same compared with the signature of Manjit Singh on agreement to sell Ex.P1. Party cannot be compelled to sign as another person for comparison of signature sought for by the plaintiff. On the basis of averments made in the application, there can be no presumption that defendant No.3 Kartar Singh has impersonated himself as Manjit Singh. Defendant no.3 can be directed to append his own signature for the purpose of comparison of his own signature but he cannot be compelled to sign as Manjit Singh for the purpose of comparison of signature purported to have been impersonated.”

Counsel for the petitioner has failed to cite any statutory provision or a precedent that a party to a suit can be asked to sign as somebody else for the purpose of comparison.

Section 132 of the Act deals with that a witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding upon the ground that the answer to such question will criminate or may tend directly or indirectly to criminate, such witness or that it will expose or tend directly or indirectly to expose such witness to a penalty or forfeiture of any kind.

Counsel has failed to advance any meaningful arguments as to how the provisions of Section 132 of the Act would be attracted in the

present circumstances where one of the parties to the lis is being called upon to sign or write as Manjit Singh. Under the circumstances, the petitioner cannot derive any advantage to his contentions from Section 132 of the Act.

For the foregoing reasons, I do not find any error much less illegality in the order impugned warranting intervention.

Accordingly, the petition fails and is dismissed in limine.

AUGUST 9, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no