

CR No. 4874 of 2017 (O&M)

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No. 4874 of 2017 (O&M)
Date of decision: 27.7.2017**

Raj Kumar

...Petitioner

Versus

Surekha Mittal

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sherry K. Singla, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Instant civil revision petition filed under Article 227 of the Constitution of India, filed at the hands of the defendant, is directed against the order dated 4.7.2017 (Annexure P-5) passed by the learned trial court, whereby application of the plaintiff was allowed, directing the defendant to give his specimen signature and handwriting for comparison by an expert.

Heard learned counsel for the petitioner.

It is the suit for recovery filed by the plaintiff against defendant-petitioner. Suit was at the stage of defendant's evidence. Suit for recovery was based on an agreement/rent note allegedly executed between the parties. It was the petitioner-defendant who had denied signatures on the agreement/rent note. It has been recorded by the learned trial court that perusal of the rent note reveals that it was bearing the signatures of Raj Kumar-defendant/petitioner in Hindi language whereas power of attorney

CR No. 4874 of 2017 (O&M)

and written statement bear the signatures of defendant in English language. Under these circumstances, it was rightly observed by the learned trial court that plaintiff had no occasion to get the signatures of rent note compared. Had the defendant put his signatures on rent note, power of attorney and written statement in one and the same language, contention raised on behalf of the petitioner might have been correct.

Admitted case on behalf of the defendant-petitioner was that he knows how to read and write in Hindi language. Thus, having been left with no other option, learned trial court rightly allowed application of the plaintiff-respondent, directing the defendant-petitioner to give his specimen signature and handwriting for comparison thereof by an expert, so as to facilitate the learned trial court to arrive at a judicious conclusion, with a view to do complete and substantial justice between the parties. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

In case defendant-petitioner had come to the court with clean hands and his defence is based on truth, in that situation, he need not to worry and should not have any apprehension in giving his specimen signature and handwriting for comparison by an expert. Further, it is the bounden duty of both the parties to the litigation to assist the learned court, so as facilitate it to arrive at a just conclusion. It is so said, because ultimately, it is the learned court of competent jurisdiction which is to strike a balance between the parties. Under these facts and circumstances of the case, it can be safely concluded that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be

CR No. 4874 of 2017 (O&M)

upheld, for this reason also

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

27.7.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No