

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CR No.6498 of 2015
Decided on : 04.07.2017

Mahesh Kumar

... Petitioner

Versus

Bansi Lal and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE RAMENDRA JAIN

Present : Mr.Rajesh Lamba, Advocate
for the appellant.
Mr.K.S.Khehar, Advocate for respondents No.1 and 2.

Ramendra Jain, J. (Oral)

Challenge in the instant Civil Revision under Article 227 of the Constitution of India has been laid to order dated 03.09.2015 (Annexure P/4) passed by the learned Addl. Civil Judge (Sr.Divn.) Ferozepur Jhirka, Nuh directing the petitioner to give his specimen signatures for comparison with his disputed signatures on agreement to sell and receipt dated 10.04.2007.

Initially, the petitioner moved an application for additional evidence which was dismissed. Being aggrieved, the petitioner filed Civil Revision No.5986 of 2013 before this Court and the same was allowed subject to payment of costs of Rs.20,000/- to be paid to the plaintiff. Pursuant thereto, the petitioner examined handwriting expert in support of his case. Thereafter the respondents to rebut the additional evidence led by the petitioner moved an application to direct him to give his specimen signature in court for its comparison with the disputed

signatures. The said application has been allowed vide impugned order.

Learned counsel for the petitioner urged that the specimen signatures of the petitioner are already on the record, being affixed on written statement, power of attorney and evidence adduced, therefore, there was no necessity for the court to direct the petitioner upon the application of the respondents, to give his specimen signatures in the court. He also contended that the impugned order dated 03.09.2015 is a non-speaking order as contention raised by the petitioner has not been dealt with.

On the other hand, learned counsel for the respondents vehemently opposed the aforesaid submissions made by the learned counsel for the petitioner.

I have given my thoughtful consideration to the submissions made by both the sides.

The observation of the learned trial court in the impugned order qua non-availability of the signatures of the petitioner though were available on his written statement, power of attorney and evidence adduced seems to be a typographical error or oversight, but the same does not amount to concealment of any fact. However, this Court is unable to understand as to why the petitioner is reluctant not giving his specimen signatures in the court in the presence of the Presiding Officer, though the same are available on his written statement, power of attorney and evidence adduced etc. In the considered opinion of this Court, giving of fresh specimen signatures by the petitioner in court in compliance of the impugned order in the presence of the Presiding Officer would avert all

type of controversies which may arise in future regarding the genuine signatures of petitioner. The trial court would also be able to decide the controversy in between the parties in an effective manner.

There is no perversity or illegality in the impugned order directing the petitioner to give his specimen signatures.

In view of the discussion made above, this revision petition is dismissed.

[Ramendra Jain]
Judge

04.07.2017
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No