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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7411 of 2016

Date of Decision : 28.09.2017

AASHMIN AND OTHERS

....PETITIONERS

VERSUS

CHANDER BHAN AND OTHERS

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Kul Bhushan Sharma, Advocate for the petitioners.
Mr. Shiv Kumar, Advocate for respondents No.1 to 7.

RAMESHWAR SINGH MALIK, JUDGE (ORAL)

The present civil revision petition under Article 227 of the Constitution of India, at the hands of defendants, is directed against the order dated 18.10.2016 (Annexure P-1), passed by the learned trial Court, whereby application of the petitioners, directing the plaintiff to provide their specimen signatures for comparison by handwriting and finger print expert was dismissed by the learned trial Court.

Notice of motion was issued and passing of final order was stayed.

Heard learned counsel for the parties.

The entire controversy between the parties revolves around the validity of sale deed dated 08.06.1973. Plaintiffs are denying their signatures on this sale deed. It is the pleaded case of the defendants-petitioners that plaintiffs No.1 to 3 namely, Chander Bhan, Ram Jiwan and Deep Chand, are signatories to the sale dated 08.06.1973 but the said

fact has been denied by the plaintiffs. With a view to resolve this controversy, defendants moved an application before the learned trial Court, directing the plaintiff to provide their specimen signatures for comparison thereof by handwriting and finger print expert from the original sale deed, which is lying in the safe custody of Sub Registrar, Ballabgarh. It was this application moved by the defendants which was dismissed by the learned trial Court.

It does not appeal to reason as to what kind of prejudice was apprehended to be caused to the plaintiffs in allowing the application of the defendants. The learned trial Court could have easily directed that the handwriting and finger print expert shall take the photographs of thumb impressions of the plaintiffs from the original sale deed, which is lying in the office of Sub Registrar, Ballabgarh, in the presence of the plaintiffs or their counsel and the Sub Registrar, Ballabgarh, could also have been directed to ensure that the handwriting and finger print expert takes the photographs only from the original sale deed. However, since, the learned trial Court could not appreciate this material aspect of the matter, while passing the impugned order, it cannot be sustained.

Learned counsel for the plaintiff-respondents submits that plaintiff-Deep Chand is inside the jail as on date. If it is so, the learned trial Court would do well in directing the presence of Deep Chand in the Court in police custody.

Keeping in view the abovesaid peculiar facts and circumstances of the case, the present revision petition is allowed.

Impugned order dated 18.10.2016, passed by the learned trial Court is set

aside. Application moved by the petitioners before the learned trial Court directing the plaintiffs to provide their specimen signatures for comparison thereof by the handwriting and finger print expert from the original sale deed available in the office of Sub Registrar, Ballabgarh would stand allowed.

Consequently, to protect the interest of the plaintiffs, it is directed that the handwriting and finger print expert of the defendants-petitioners shall compare the signatures/thumb impressions of the plaintiffs taking the photographs from the original sale deed dated 08.06.1973 lying in the custody of Sub Registrar, Ballabgarh, in the presence of the plaintiffs or their representative including their counsel before the learned trial Court.

Sub Registrar, Ballabgarh is also directed to ensure that handwriting and finger print expert takes the photographs of thumb impressions of the vendors of sale deed dated 08.06.1973 in the presence of Sub Registrar himself. He is further directed to ensure that such photographs shall be permitted to be taken by the handwriting and finger print expert only from the original sale deed dated 08.06.1973, which is supposed to be maintained, in the office of Sub Registrar, Ballabgarh.

The plaintiffs-respondents are also directed to provide their specimen signatures to the learned trial Court in the presence of learned counsel for the parties, so as to enable the petitioners to get the same compared by their handwriting and finger print expert with their disputed signatures/thumb impressions on the sale deed dated 08.06.1973 from the office of Sub Registrar, Ballabgarh. The handwriting and finger print

expert shall submit his report without any further delay. Thereafter, the learned trial Court shall proceed further with the matter and decide the same, in accordance with law.

With the abovesaid observations made and directions issued, the instant revision petition stands allowed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

September 28, 2017
rajneesh

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No