

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.8399 of 2016 (O&M)
Date of decision: February 15, 2017

Tarsem Singh

...Petitioner

Versus

Gurdeep Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rahul Sharma-I, Advocate for the petitioner.
Mr. Gurcharan Dass, Advocate for respondents No.1 & 2.

Rajan Gupta, J. (oral)

Present revision petition is directed against the order dated 28.11.2016, passed by the trial court, whereby application filed by the plaintiff/respondents No.1 and 2 for taking photographs of signatures of the petitioner by Handwriting and Fingerprints Expert, has been allowed.

Learned counsel for the petitioner has assailed the order. According to him, the trial court has allowed the application without even seeking reply by the petitioners. Moreover, plaintiffs cannot be allowed to produce handwriting expert in rebuttal evidence.

Learned counsel for respondents No.1 & 2 has opposed the plea. According to him, specimen signatures of the petitioner had already been obtained on a blank paper with the direction of the court and the court had directed to preserve the same on the court file till further orders. Thus, the trial court has rightly directed Handwriting and Fingerprints

Expert to get photographs of specimen signatures, already placed on file, for getting the same compared with the admitted signatures of the petitioner.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that a suit was filed by respondents No.1 and 2/ plaintiffs seeking recovery of earnest money of Rs.50.00 lacs along with interest alleged to have been paid to defendant No.1 at the time of execution of agreement to sell dated 25.3.2009. At the stage of rebuttal evidence, plaintiffs moved an application for taking photographs of signatures of the petitioner by Handwriting and Fingerprints Expert. Same was allowed by the trial court observing that during cross-examination of petitioner as DW-1, his specimen signatures had already been obtained on a blank paper and it directed Handwriting and Fingerprints Expert to get the photographs of specimen signatures of petitioner for getting the same compared with his admitted signatures. I find no infirmity with the order passed. It is evident that during cross-examination of petitioner when he appeared as DW-1, he stated that as per the direction of the court, he was ready to give his specimen signatures in Punjabi. The court directed him to give his specimen signatures on a separate blank paper in presence of counsel for the parties and directed to preserve the same on the file. He gave his specimen signatures in court on the blank paper and counsel for both the parties also signed it. Thus, the court below has not committed any error in

allowing application of plaintiffs for taking photographs of signatures of the petitioner by Handwriting and Fingerprints Expert. Under the circumstances, no interference in revisional jurisdiction is called for.

Dismissed.

(RAJAN GUPTA)
JUDGE

February 15, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No