

Impugned in present revision is order dated 5.8.2016 (Annexure-P-11), passed by the learned Civil Judge (Junior Division), Gurgaon, vide which while mentioning that coordinate bench of this Court, vide order dated 11.3.2016 (Annexure-P-8), passed in CR-8176-2014, has directed the trial Court to send the admitted signatures as well as disputed signatures of plaintiff on plaint alongwith original receipt and affidavit for verification to State Forensic Science Lab, Madhuban in Karnal, the application filed by defendant for sending original mortgage deed with these documents was dismissed. The prayer of learned counsel for petitioner-defendant is that mortgage deed in question dated 14.8.1991 (Annexure-P-2) should also have been sent for comparison.

CR No. 5143 of 2016 (O/M)

It comes out that plaintiff has filed a suit for possession by way of redemption on the basis of mortgage deed dated 14.8.1991. In the written statement, petitioner-defendant had pleaded a receipt dated 31.3.2001 wherein some amount was taken by plaintiff. The receipt was denied by plaintiff. Both the parties examined their respective private experts, who gave report in favour of respective parties. It was at this stage that plaintiff moved an application for sending the same to FSL, Madhuban, Karnal. The matter was ultimately settled by a coordinate bench of this Court, vide order dated 11.3.2016, passed in CR-8176-2014 (Annexure-P-8), vide which it was ordered that examination of disputed documents with documents containing admitted signatures be secured through an expert examination by reference to the State Forensic Science Lab at Madhuban in Karnal. In compliance of the said order, the trial Court has sent the said receipt dated 31.3.2001, copy of plaint as well as affidavit of plaintiff to FSL, Madhuban, Karnal.

The learned counsel for petitioner contends that mortgage deed dated 14.8.1991 (Annexure-P-2) should also have been sent to FSL, Madhuban, Karnal.

I am of the view that since there is a dispute regarding comparison of signatures of plaintiff on receipt dated 31.3.2001, the standard/admitted signatures of the same period are to be compared. There is no direction from this Court that mortgage deed dated 14.8.1991 should also be sent to FSL, Madhuban in Karnal. No prayer was made at that time before this Court that mortgage deed is also to be sent to FSL, Madhuban in Karnal. In this way, the trial Court was justified in dismissing the plea of defendant for sending signature of plaintiff on mortgage deed

CR No. 5143 of 2016 (O/M)

-3-

alongwith signatures of plaintiff on plaint and receipt to FSL Madhuban, Karnal. It was already made clear that the value of the report of expert is to be examined by the trial Court. Therefore, there is no illegality or infirmity in the impugned order. Consequently, revision is dismissed. Since main revision is dismissed, pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

20.3.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No