

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.130

C.R. No.5129 of 2018

Date of decision: 16.08.2018

Iqbal Singh

....Petitioner

versus

Pardeep Kumar

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 05.07.2018 passed by the Civil Judge (Junior Division), Malerkotla (for short – 'the Trial Court') through which an application filed by the petitioner under Section 151 CPC to send the pronote and receipt dated 10.10.2014 to National Security Press, Nasik (for short – 'the Press') to determine the age of the revenue stamps affixed thereupon has been dismissed.

The facts in brief which are required to be noticed for adjudicating upon the present petition are that the respondent filed a suit seeking therein recovery of ₹ 2,00,000/- from the petitioner/defendant. The suit was based on a pronote and receipt dated 10.10.2014 allegedly executed by the petitioner. On being put to notice, the petitioner/defendant appeared before the trial court and denied that he had ever executed any pronote or receipt on which the respondent had based his entire suit. The petitioner further submitted that several years ago he was selling his agriculture produce through the respondent on commission basis. In the year 2009, he

had stopped dealing with him and they finally settled their accounts in the year 2011. At the time of final settlement of accounts, the petitioner was made to sign several blank papers by the respondent which included stamp papers/pronotes etc. which have now been misused by the respondent to file the instant suit for recovery.

During the pendency of the suit, the petitioner filed an application requiring the trial court to send the aforesaid pronote and receipt dated 10.10.2014 to the Press to determine the age of the revenue stamps affixed thereupon. On the dismissal of such application, the petitioner has knocked the doors of this Court through the present petition.

Learned counsel for the petitioner submits that the age of the stamps which were affixed on the pronote and receipt could be determined only by the Press and since the determination of the date of the stamps on the pronote and receipt would go to the root of the matter, it was crucial for obtaining opinion in this regard from the Press.

No merit is found in the above submission.

After denying the pronote and receipt dated 10.10.2014 on which is based the respondent's entire suit, the case set up by the petitioner is that several years ago, he was selling his agriculture produce through the respondent and stopped dealing with him after the year 2009. Later, they had finally settled their accounts in the year 2011 and it was during the course of final settlement of their accounts that the petitioner was made to sign by the respondent certain blank papers which included stamp papers and pronotes which had been misused by the respondent to file the instant recovery suit. In the light of the these facts, even if the Press opines that the stamps affixed on the pronote and receipt dated 10.10.2014 were of the year

2011 or even prior thereto, it would have no effect on the merits of the case as there is no bar to affixation of old stamps on a pronote/receipt. If the case of the petitioner was that the stamps affixed on the pronote and receipt were of a date later than the date of the pronote and receipt, the matter would have been different. However, that is not so.

In view of the above, no error is found in the order under challenge. Resultantly, the present petition is dismissed.

(DEEPAK SIBAL)
JUDGE

August 16, 2018

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No