

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

(1) CR No. 7133 of 2017

Sanjeev Kumar and another

.....Petitioners

Versus

Bikram Singh and another

.....Respondents

(2) CR No. 7134 of 2017
Date of Decision: 01.10.2018

Sanjeev Kumar and another

.....Petitioners

Versus

Bikram Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Parvinder Singh, Advocate
for the petitioners.

Mr. Kewal Krishan, Advocate
for the respondents.

DEEPAK SIBAL, J. (ORAL)

This order shall dispose of two revision petitions being CR-7133-2017 and 7134-2017. For the sake of convenience, facts have been taken from CR No.7133 of 2017 – 'Sanjeev Kumar and another Vs. Bikram Singh and another'.

Respondent Nos.1 and 2 filed a suit seeking therein specific performance of agreement to sell dated 24.04.2009 pertaining to land detailed and described in the head note of the plaint (for short, the suit property). In the alternative, recovery of ₹8 Lakhs was prayed for. On being

put to notice, the petitioners, who were the defendants in the suit, appeared

before the Trial Court and filed their written statement through which they denied the claim set up by respondent Nos.1 and 2. The Trial Court framed the issues on which both the parties led their evidence. When the matter was posted for rebuttal evidence, if any and arguments, respondent Nos.1 and 2 filed an application seeking permission of the Trial Court to take photographs of the signatures of the petitioners and then get the same examined by a Handwriting Expert. On 12.05.2017 the Trial Court allowed the aforesaid application filed by respondent Nos.1 and 2 through a one word order 'Allowed'. Before granting the above permission no notice of the application had been issued to the petitioners. Thereafter, the petitioners filed an application seeking recalling of the aforesaid order dated 12.05.2017 which was dismissed through order dated 22.05.2017 after holding that the Trial Court did not have any power to recall its order dated 12.05.2017. Orders dated 12.05.2017 and 22.05.2017 are the subject matter of challenge in the present proceedings.

The impugned order dated 12.05.2017, comprises of only one word 'Allowed'. No discussion on merits or any reasons are found therein as to why respondent Nos.1 and 2's application seeking permission of the Trial Court to take photographs of the signatures of the petitioners and then getting them examined by a Handwriting Expert has been allowed.

Reasons are the soul of a judicial order and an order without its soul has no place in the judicial world. Every judicial order must be backed by sound reasons as they ensure that the decision is not a result of whim or fancy of its author and that the same is just. A reasoned order is also in line with the principle that justice should not only be done but also seem to have been done. Also that in the absence of reasons, it would be extremely

difficult for a superior Court to ascertain the correctness of the order appealed or petitioned against.

In view of the above, as also for the reason that before allowing respondent Nos.1 and 2's application the Trial Court had not issued any notice of the same to the petitioners/defendants, the impugned orders dated 12.05.2017 and 22.05.2017 are set aside and the matter is remitted to the Trial Court to decide the aforesaid application of respondent Nos.1 and 2 afresh after giving notice to the petitioners/defendants and then passing thereupon a well reasoned order in accordance with law.

Both the petitions being CR-7133-2017 – 'Sanjeev Kumar and another Vs. Bikram Singh and another' and CR-7134-2017 – 'Sanjeev Kumar and another Vs. Bikram Singh and another' are allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

01.10.2018
sandeep

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