

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

Civil Revision no.480 of 2019
Decided on:22.01.2019.

Jasbir Singh

.....Petitioner

versus

Dalbara Singh

....Respondent

CORAM : HON'BLE MR.JUSTICE DR.RAVI RANJAN

Present: Mr.G.P.Vashisht, Advocate,
for the petitioner.

DR.RAVI RANJAN, J. (Oral)

This revision is directed against the order dated 03.12.2018 (Annexure P3) passed by the learned Civil Judge (Junior Division), Ludhiana, in Civil Suit no.36157/13 by which the plaintiff's application for directing the defendant to provide his specimen thumb impression for its comparison with the thumb impression of Jasbir Singh-defendant on the agreement to sell and its endorsement and other documents placed on record, has been allowed by the Court below.

1. It is contended on behalf of the petitioner that even after closure of evidence on behalf of the plaintiff as also on behalf of the defendant, this application was filed and, thus, there was no necessity to allow such prayer. It is contended that in the written statement, the defendant/petitioner had admitted the signatures and thumb impressions.
2. However, on going through the impugned order it appears that upon the pleading of the rival party issue no.3 has been framed which is as under:

“Whether the agreement dated 21.07.2010 is forged and is result of misrepresentation?OPD.”

3. The Court below has opined that onus to prove this issue was upon the defendant and to discharge that onus the defendant has himself stepped into the witness box as DW1 and has examined DW2 Babanjit Kaur. When the issue of forgery has been raised by the defendant, the Court below has opined that the plaintiff would have every right to rebut the evidence led by the defendant by examining the handwriting expert/finger print expert, which would also be in the interest of justice.

4. This Court put a direct question to the learned counsel for the petitioner, as to whether the defendant admits the signatures and thumb impressions put by both the sides on the agreement? In reply it is submitted by him that the defendant has filed criminal case also against the plaintiff for forgery etc.

5. In such a situation, to clear the cloud, in my considered opinion, no error has been committed by the Court below in granting opportunity to the plaintiff to examine the handwriting expert/finger print expert to rebut the evidence led by the defendant to prove that the thumb impressions and signatures are forged and fabricated.

In the result, finding no merit, this petition is dismissed.

January 22, 2019
dharamvir

(DR. RAVI RANJAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No