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

CR No. 5866 of 2017 (O&M)
Date of Decision: 11.04.2019

Suman Sharma

-Petitioner

Vs

Naresh Kumar Bansal and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rakesh Bakshi, Advocate,
for the petitioner.
Mr. K.S. Banyana, Advocate, and
Mr. T.K. Joshi, Advocate,
for the respondents.

RAJ MOHAN SINGH, J. (ORAL)

1. This revision petition has been preferred against the order dated 24.07.2017 passed by Additional Civil Judge (Senior Division), Ambala vide which permission to engage Document and Fingerprint Expert for comparison of signature of Naresh Kumar Bansal- defendant No.1 on the written statement, Vakalatnama and agreement to sell was dismissed.

2. Prayer in terms of Section 65 of the Evidence Act was allowed in favour of the petitioner, subject to proving existence and loss of the document.

3. Now the point for consideration is whether the signature can be compared from a photocopy of agreement to sell or not?

4. The agreement to sell was executed on 16.09.2009 and on the basis of said agreement to sell, a suit for specific performance was filed. Original agreement was not produced by the plaintiff and for that, secondary evidence was allowed, subject to existence and loss of the document as per law.

5. Plaintiff has to prove the aforesaid ingredients by leading cogent evidence.

6. So far as comparison of signature with the help of photocopy of agreement to sell is concerned, the signature cannot be compared with the photocopy of document and the opinion given on the basis thereof, cannot be considered to be a conclusive opinion/evidence.

7. Plaintiff can lead his substantive and other evidence to prove execution of document. Possibility of lifting of signature on the photocopy cannot be ruled out.

8. In view of above, impugned order passed by the trial Court cannot be faulted with.

9. This revision petition is accordingly, dismissed.

11.04.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No