

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

Sr. No.260

CR-1351-2019 (O&M)

Date of decision: 04.04.2019

Jarnail Singh and another

....Petitioners

versus

Tarsem Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sunil Agnihotri, Advocate
for the petitioners.

Mr. Harsharan Singh, Advocate
for the respondent.

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DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 03.01.2019 passed by the Civil Judge (Junior Division), Dasuya (for short – the Trial Court) dismissing the application filed by the petitioners through which they sought permission of the Trial Court to compare the disputed signatures of the deceased Gian Singh on the power of attorney and Yadashat Nama with his standard signatures.

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 permanent injunction to restrain the petitioners, who were the defendants in the suit, from interfering in his peaceful possession over the land measuring 26 kanals 14 marlas detailed and described in the head note of the plaint (for short – the suit property). The respondent staked his claim on the basis of a power of attorney dated 20.05.2002 and Yadashat

Nama dated 05.05.2012 allegedly executed by late Gian Singh – father of the petitioners. On being put to notice, the petitioners appeared before the Trial Court and denied the claim made by the respondent. They inter-alia submitted that the aforesaid power of attorney and Yadashat Nama relied up by the respondent were forged documents. On the dispute between the parties, the Trial Court framed issues on which the respondent led his evidence. While the petitioners were in the midst of leading their evidence, they filed an application seeking therein permission of the Trial Court to compare the disputed signatures of deceased Gian Singh with his standard signatures. Such application has been dismissed by the Trial Court through the order under challenge in the present proceedings.

Learned counsel for the parties have been heard.

The respondent's injunction suit is primarily based on a power of attorney dated 20.05.2002 and Yadashat Nama dated 05.05.2012 allegedly executed by late Gian Singh – father of the petitioners. According to the petitioners, the aforesaid documents are fabricated. In view of the above facts, the comparison of signatures of Gian Singh on the aforesaid documents with his standard signatures would certainly assist the Trial Court to arrive at a just and fair decision. That being so, after setting aside the impugned order, permission is granted to the petitioners to compare the disputed signatures of deceased Gian Singh on the aforesaid power of attorney and Yadashat Nama with his standard signatures to be found in a Bank where Gian Singh had an account.

Needless to say that the respondent would be given adequate opportunities to lead evidence in rebuttal.

From the record, it is found that the petitioners have already

been granted several opportunities within which they have failed to conclude their evidence. Therefore, the above relief granted to them would be subject to payment of Rs.20,000/- as costs, to be paid by them to the respondent.

The Trial Court shall ensure that the costs ordered to be paid by the petitioners to the respondent are transferred to his bank account.

It is further directed that the Trial Court shall dispose of the respondent's suit within four months from the date of receipt of a certified copy of this order, in accordance with law.

The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

April 04, 2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No