

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 2806 of 2019 (O&M)

Date of decision : 1.5.2019

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Makhan Singh and another

.....Petitioners

vs.

Baltej Singh and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Deepak Aggarwal, Advocate for the petitioners.

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H. S. Madaan, J. (Oral)

Plaintiff – Baltej Singh, had brought a suit for possession by way of specific performance of agreement to sell dated 26.7.2011 against defendants Inderjit Singh, Ranjit Kaur, Chhinder Pal Kaur and Makhan Singh.

On getting notice of the suit, the defendants put in appearance and filed written reply denying that they had executed any agreement to sell in favour of the plaintiff. During proceedings of the case, plaintiff moved an application for directing the defendants to give their specimen signatures/thumb impressions in order to enable the plaintiff-applicant to get the same compared from Handwriting and Finger Prints Expert, to show that agreement in question had

been executed by the defendants, in as much as, it was singed by Makhan Singh and thumb marked by Inderjit Singh, Ranjit Kaur and Chhinder Pal Kaur – defendants. The defendants opposed the request. However, vide impugned order dated 19.3.2019, the trial Court of Civil Judge (Junior Division), Bathinda, accepted the application directing the defendants to give specimen signatures/thumb impressions to get the same compared from the Handwriting and Finger Prints Expert. The case was adjourned to 5.4.2019, for that purpose.

The said order left the defendants aggrieved and they have approached this Court by way of filing the present revision petition.

I have heard learned counsel for the petitioners, besides going through the record.

The main submission of learned counsel for the petitioners, was that admitted signatures of Makhan Singh and thumb impressions of remaining defendants are available on various other documents and the plaintiff could have got the disputed signatures and thumb impressions compared with such admitted signatures/thumb impressions of the defendants.

However, I find that from the impugned order, it comes out that no such plea was taken by the defendants there. Even otherwise, the trial Court has not committed any illegality in issuing such direction to the defendants. The defendants on their part may refuse to give their specimen signatures /thumb impressions and the trial court may draw adverse inference against them in that regard in accordance with law. The order under revision does not suffer from any infirmity,

much less apparent on the face of it, which might have called for interference by this Court while exercising the revisional jurisdiction.

Therefore, the revision petition being without any merit stands dismissed.

1.5.2019
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(H.S. Madaan)
Judge

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