

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.239

CR-3077-2019

Date of decision : 17.10.2019

Kulwant Singh and another

..... Petitioners

VERSUS

Lakhbir Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. B. S. Dhillon, Advocate, for the petitioners.

Ms. Manveen Narang, Advocate, for the respondent.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 11.04.2019, passed by the Additional Civil Judge (Senior Division), Pehowa (for short, the Trial Court), through which the respondent has been permitted to give his specimen signatures.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the petitioners filed a suit seeking therein specific performance of agreement to sell dated 23.06.2008 allegedly entered into between the petitioners and the respondent. The grounds on which the petitioners' filed their suit being not relevant to decide the instant controversy, are not being referred to. On being put to notice, the respondent, who was the defendant, appeared before the Trial Court and before filing his written statement, moved an application through which he sought permission of the Trial Court to give his specimen signatures in Court. Such application was allowed by the Trial Court through the order under challenge in the present proceedings.

Learned counsel for the parties have been heard.

Through their suit, the petitioners seek specific performance of agreement to sell dated 23.06.2008 allegedly executed between the petitioners and the respondent. The respondent denies the said agreement and further

goes on to submit that the same is a forged document. However, before filing his written statement, the respondent sought and got permission of the Trial Court to give his specimen signatures in Court. In paragraph 6 of such application he admitted that two signatures of his one on the power of attorney executed by him in favour of Mr. J. S. Udasi, Advocate and another on the report of summons received by him were already on the record of the Trial Court but since both the signatures had been appended by him out of the Court premises he wanted to give his specimen signatures within the Court premises.

Once the respondent has admitted his signatures on the power of attorney executed by him in favour of his counsel Mr. J. S. Udasi, as also on the report of the summons received by him and such documents are on the record of the Trial Court, at this stage, there was no worthwhile reason to permit the respondent to give his specimen signatures in Court especially in the light of the apprehension expressed by the petitioners that after having admittedly appended his signatures on two documents which were on the record of the Trial Court the respondent may now, with malafide intention, change his signatures while giving his specimen signatures in the Court only to derail the petitioners from proving their claim.

In view of the above, the impugned order is set aside. It is clarified that the specimen signatures of the respondent which had been taken by the Trial Court while the present petition was pending, at this stage, shall be disregarded.

The petition is allowed in the above terms.

17.10.2019

shamsher

[DEEPAK SIBAL]
JUDGE

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