

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 5074 of 2019 (O&M)

Date of decision : 26.8.2019

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Resham Singh

.....Petitioner

vs.

Gian Chand

.....Respondent

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

Present: Mr. B.D. Sharma, Advocate for the petitioner.

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H. S. Madaan, J. (Oral)

This revision petition is directed against the order dated 30.7.2019, passed by Civil Judge (Senior Division), Bathinda, vide which the trial Court had dismissed the application filed by defendant Resham Singh for permission to examine Handwriting and Fingerprint Expert by way of additional evidence.

Briefly stated, facts of the case are that plaintiff Gian Chand had filed a suit for recovery of Rs.16 lacs against defendant Resham Singh, on the basis of pronote and receipt. On notice, defendant appeared and filed written statement, contesting the suit, contending that defendant used to sell his crops through the firm of the plaintiff and plaintiff used to get signatures of the defendant on blank forms and papers on the pretext of completing the formalities of Market Committee. Subsequently, the defendant changed his commission

agent. Thereafter the plaintiff prepared the alleged pronote and receipt in connivance with the scribe and witnesses and filed a false suit against him on the basis thereof. The pronote and receipt are forged documents.

During the course of trial, the defendant filed an application to produce additional evidence by examining Handwriting and Fingerprint Expert to compare the specific hand-writing of the plaintiff alongwith the entries made on the diary which is handwritten by the plaintiff with the account of the plaintiff and also to compare the said entries of diary with the account books of the plaintiff for the relevant period. That application was resisted by the plaintiff.

The trial Court dismissed the application with the following observations :-

“ Perusal of the record reveals that the plaintiff closed his evidence on dated 26.3.2019. The defendant closed his evidence on dated 22.7.2019 after availing 11 effective opportunities for the purpose. The defendant has already tendered the subject diary as Exh. DA into evidence. Now, perusal of the diary in question reveals that the entries therein relate to the years 2013 and 2014, whereas, the demand promissory note-cum-receipt in question is of the year 2016. Moreover, the defendant in his written statement impliedly admits his signature on the demand promissory note-cum-

receipt in question, although, with a rider that he used to sell his crop through the plaintiff and he (plaintiff) during this period got his signatures on various blank forms and papers on the pretext of completing the formalities of Market Committee. Besides, the entries in the diary in question find no mention in the pleadings-written statement of the defendant. To crown it all, the application fails to explain and clarify how the defendant despite due diligence could not examine the Handwriting and Finger Prints Expert at the first instance. In the backdrop of these facts and circumstances, I find the present application nothing but a plot on the part of the defendant to delay the disposal of the suit.”

I find that the impugned order does not suffer from any illegality or infirmity, much less the same being perverse, arbitrary or having been passed in violation of the settled principles of law. There is no error apparent on the face of the order. There is no reason to set aside the order by exercising the revisional jurisdiction.

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

26.8.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No