

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

CRR No. 2798 of 2019

Date of decision: 29.10.2019.

Kulbir Singh

..... Petitioner.

Versus

Avtar Singh (now deceased) through his LR

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Sarbjit Singh, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has impugned the order dated 11.10.2019 whereby his application under Section 45 of the Indian Evidence Act, 1872, for leading evidence of the Handwriting Expert has been dismissed.

Learned counsel for the petitioner contends that the petitioner had purchased 3 kanal 2 marlas of agricultural land in village Baba Bakala Sahib from the complainant vide sale deed dated 03.01.2014 and the cheques had been misused by the complainant by preferring three different complaints. He also contends that the petitioner be granted only one opportunity to lead evidence of the Handwriting Expert to compare the signatures of the petitioner on the sale deed with his signatures on the cheques in question.

Heard.

It is apparent from the material on record that the petitioner did not raise the issue of the cheques not having been signed by him earlier.

He did not say so in the reply to the legal notice and when the witnesses of

the complainant had been examined. No suggestion was put to these witnesses that the cheque does not bear the signature of the petitioner. The complainant had also examined the Senior Manager of the Bank, who had to prove that the cheque had been dishonoured due to 'insufficient funds'. No suggestion was put to this witness that the cheque was not issued by the petitioner or was not in the handwriting of the petitioner. Therefore, I do not find any manifest illegality in the impugned order of the trial Court disallowing the application preferred by the petitioner.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

29.10.2019
Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No