

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

**CR No.6668 of 2018(O&M)
Date of Decision: 18.07.2019**

**Rattan Singh (since deceased) through LRs....Petitioners
Versus
Jaswant Singh and othersRespondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Kuljit Singh Bal, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.(Oral)

[1]. As per office report, both the respondents have been duly served. Despite service, respondents have not opted to represent their cause in this revision petition. They are accordingly proceeded against *ex parte*.

[2]. Learned counsel for the petitioners stated that in a suit for declaration filed by the plaintiff/petitioner, challenge was made to the general power of attorney allegedly executed by the plaintiff/petitioner in favour of Jaswant Singh/defendant No.1. The plaintiff/petitioner got an expert examined in respect of thumb impressions appearing on the plaint and that on general power of attorney in affirmative evidence. Though the report was belatedly filed, but the same went in favour of the plaintiff and showed that thumb impressions appearing on the plaint and

general power of attorney were not of the same person.

[3]. During course of cross-examination, defendant No.2 objected to the thumb impressions of the plaintiff on the plaint by alleging that the same are not that of Rattan Singh. In order to remove any doubt in respect of authenticity of thumb impressions, the petitioner filed an application for leading additional evidence on behalf of the plaintiff to produce document containing specimen thumb impressions of Rattan Singh for comparison from handwriting and fingerprint expert. The said application has been declined by the trial Court vide the impugned order.

[4]. In my considered opinion, once the earlier report was made in favour of the petitioner and there was no such evidence available on behalf of the defendant to counter the said report, the effort made by the petitioner in order to make sure about authenticity of thumb impressions appearing on the plaint and general power of attorney cannot be denied.

[5]. For the reasons recorded hereinabove, I deem it appropriate to set aside the impugned order. Consequently, this revision petition is allowed. Normal consequences to follow.

18.07.2019

Prince

Whether reasoned/speaking

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No