

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

CR No.5835 of 2019

Date of decision: 3rd February, 2020

Rajesh Duseja

... Petitioner

Versus

Ashwani Gulati & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Anil Chawla, Advocate for the petitioner.

Mr. V.K. Sandhir, Advocate for the respondents.

FATEH DEEP SINGH, J.

This civil revision is against an order dated 31.08.2019 (Annexure P1) of the Court of learned Civil Judge (Sr. Divn.), Amritsar declining the prayer of the plaintiff applicant for sending the stamp papers to be examined by the Forensic Science Laboratory.

Heard Mr. Anil Chawla, Advocate for the petitioner; Mr.V.K. Sandhir, Advocate for the respondents and perused the records of the case.

The plaintiff applicant Rajesh Duseja filed a suit for recovery against Ashwani Gulati and Karan Gulati on the grounds that he had a business dispute with the defendants (now respondents) over their common business and which stood dissolved by dissolution deed executed in the year 2007 on the intervention of the well-wishers of both

the sides. It is claimed that the plaintiff on account of this assurance and intervention, paid ₹ 6.32 lacs to the defendants as security and from which amount any outstanding amount would stand adjusted. It was during the course of events, the present suit was filed whereby the plaintiff sought recovery of ₹ 6.32 lacs. It is in that suit, an application was moved by the plaintiff applicant for sending the disputed four stamp papers bearing No.D-609803 to D-609806 to an expert to examine the same to unravel the truth. The defendants in their stand took the plea that the dispute is over ₹ 6.32 lacs which the plaintiff claims to have been paid to Dalip Kumar and which is not subject matter of dispute in the present suit and thus, denied the averments of the application.

Going through the submissions of the two sides and perusal of the records. The dispute between the plaintiff and the defendants is over their common transport business. It is the claim of the plaintiff that the stamp papers were purchased by him on 12.11.2007 from one Deepak Sharma stamp vendor and they were signed by the plaintiff Rajesh Duseja and the defendants Ashwani Gulati and Karan Gulati including witnesses Madan Gopal Gandhi and Kartar Hablani and at that time the stamp papers were blank, and claimed that when the documents were produced before the police a writing was there on them which was subsequent and thus, claimed that the defendants in connivance with certain persons have used the stamp papers to form an agreement that the

plaintiff will pay ₹8.66 lacs to Dalip Kumar, his brother-in-law along with interest in lieu of sale of the property. It is thus, with the intention to prove misuse of the said stamp papers, the application was moved for examining the same from Forensic Science Laboratory.

It is the own stand of the revisionist that the amount of ₹ 6.32 lacs was paid to Dalip Kumar, brother of the plaintiff in which the defendants have not been assigned any specific role. It is there in dispute between the parties that it is a simplicitor suit for recovery of ₹ 6.32 lacs along with interest filed by the plaintiff Rajesh Duseja against Ashwani Gulati and Karan Gulati on account of outstanding amount in respect of their transport business and therefore, is more by way of rendition of account of their common business. Such a stand has no relevance with the dispute, subject matter of suit between the parties, in which the application has come about by the revisionist. It has been rightly concluded by the Court below that the stamp papers allegedly containing some writing to the detriment of the plaintiff applicant and executed by his brother, nephew and brother-in-law, have no concern with the controversy in the present case and stamp papers so alleged to be used for preparing the alleged forged and fabricated agreement which are against the interest of the plaintiff, are alleged to have been made by brother of the plaintiff, his nephew and brother-in-law and not by the defendants, and therefore, would not be of any help to the case of the applicant

plaintiff. Thus, it has been rightly concluded in the impugned order that it is a deceptive way of the revisionist to unduly delay the matter, by virtue of which the present application has come about. There appears to be no merit in the present revision petition and as such the same stands dismissed.

(FATEH DEEP SINGH)
JUDGE

February 3, 2020

rps

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