

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

Sr. No.120

**Civil Revision No.3401 of 2021
Date of Decision : December 20, 2021**

Mans Kaur

...Petitioner

Versus

Sajjan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Satwant Mehta, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner is the defendant. She had filed an application for directing respondents No.2 & 3 to give their specimen signatures for comparison with their signatures on the vakalatnama, plaint as well as the application filed under Order 39 Rules 1 & 2 CPC. The said application has been dismissed by the trial Court.

Learned counsel for the petitioner has submitted that comparison of the signatures is essential as respondents No.2 & 3 have not even appeared in the evidence led on behalf of the plaintiffs. If plaintiff-respondent No.1 has forged their signatures, the suit can succeed, if at all, qua his share only. Thus, the trial Court was in error in rejecting the application.

The argument cannot be accepted. Respondents No.1 to 3 are the sons of Sahib Singh. The petitioner has allegedly exchanged the suit land with Sahib Singh and this exchange is under challenge in the suit. Thus, respondents No.1 to 3 are co-sharers in the suit land and it is settled

law that a single co-sharer can maintain a suit. Thus, if the suit succeeds, the exchange with the petitioner would be set aside in toto and would not be confined to the share of respondent No.1. In this view of the matter, there appears to be no necessity for respondents No.2 & 3 to give their specimen signatures.

In view of the above, the revision petition has no merit and is dismissed. Order dated 01.10.2021 passed by the trial Court is upheld.

December 20, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No