

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3598 of 2017(O&M)
Date of decision: 16.08.2022

Raghubir Singh

..Petitioner

Versus

Kala Ram

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.P.Batra, Advocate,
for the petitioner.

Ms. Kajal, Advocate, for
Mr. N.P.Bhardwaj, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

1. The defendant's prayer to send the pronote and receipt dated 30.04.2013 to Central Forensic Science Laboratory, Hyderabad, for determining the age of the ink used for the signatures of defendant and another for seeking opinion of the Master Government Security Printing Press, Nasik, with regard to the date of issuance of revenue stamps has been dismissed. The defendant is defending a suit which has been filed for recovery of Rs.2,25,000/- on the basis of pronote and receipt.

2. The trial court has dismissed the application on the ground that it will cause delay in the decision of the suit. The impugned order was passed on 07.04.2017.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

4. The learned counsel representing the petitioner contends that the pronote and receipt have been ante-dated which can be very well verified

by sending the pronote and receipt to the Master Government Security Printing Press, Nasik, in order to know the date on which the revenue stamp affixed on the aforesaid documents were issued.

5. On the other hand, the learned counsel representing the respondent contends that such procedure is going to cause delay.

6. The rules of procedure are handmaid for advancing the cause of justice. The defendant is entitled to lead evidence in order to rebut the presumption as provided under the Negotiable Instruments Act, 1881. The trial court has taken a myopic view of the matter. The Court should not obstruct the attempts of the party to the suit to bring evidence in support of their pleadings.

7. Keeping in view the aforesaid facts, the order under challenge is set aside. The revision petition is allowed.

8. The trial court is requested to depute a Local Commissioner with a direction to take the original pronote and receipt to the Master Government Security Printing Press, Nasik, to get the revenue stamps examined in order to get report as to when the aforesaid revenue stamps were issued. It will be appropriate for the Court to seek prior appointment from the Master Government Security Printing Press, Nasik, so that the report is handed over forthwith. The trial Court, before handing over the documents, will ensure that the security and safety of the original document.

All the pending miscellaneous applications, if any, are also disposed of.

August 16, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*