

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4440 of 2018 (O&M)
Date of decision: 06.12.2022

Sandhya Bhaskar

..Petitioner

Versus

Yudhvir and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prateek Sodhi, Advocate
for the petitioner.

Mr. K.P.Singh, Advocate
for respondent no.2.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is the landlady. A petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, filed by her is pending. One of the grounds on which eviction of the tenant has been sought is sub-letting of the tenanted premises. The alleged sub-tenant has taken a stand that late Sh. Satish Kumar Bhaskar, her predecessor-in-interest, executed a rent note on 11.02.2000, recognizing respondent no.2 as a tenant. When the case came up for evidence, the original alleged rent note date 11.02.2000 was not produced in evidence. An application filed by the landlady for permission to examine the fingerprint and handwriting expert has been refused on the ground that the original rent note has not been produced on record. Challenging the correctness of the aforesaid order, the present revision has been filed.

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

3. On the one hand, the learned counsel representing the petitioner

contends that there is a case law to the effect that comparison of signatures with a photocopy is also possible and permissible. He contends that she should be permitted to examine the handwriting and fingerprint expert.

4. On the other hand, the learned counsel representing the respondent no.2 contends that the court has already applied its mind judiciously and this court should not interfere in the exercise of powers under Article 227 of the Constitution of India.

5. Once respondent no.2 has failed to produce the original rent note propounded by him, the Court may appropriately at the stage of final decision can draw an adverse inference against respondent no.2. However, that can be done only when the case comes up at the stage of final hearing. Section 73 of the Evidence Act, enables the Presiding Judge of the court to compare the signatures for his satisfaction for the fair decision in a case. The opinion given by the private expert is not binding on the court. In this case, the original document is not produced on record by the alleged sub-tenant.

6. In such circumstances, the revision petition is disposed of with observation that the Presiding Judge would take overall/holistic view of the matter without being influenced by the fact that handwriting and fingerprint expert has not been examined.

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

December 06, 2022

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(ANIL KSHETARPAL)
JUDGE

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