

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

**CIVIL REVISION No.968 of 2018 (O&M)
RESERVED ON : 02.08.2022.
DATE OF DECISION: 06.08.2022**

Ram Kaur (deceased) through her legal representatives

.....Petitioners

versus

Sushila through her legal heirs and Another

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ajay Jain, Advocate for the petitioner

Mr. R.K. Saini, Advocate for the respondents

ALKA SARIN, J.

The present petition has been filed by the plaintiff-petitioner challenging the order dated 10.01.2018 vide which the application filed by her for taking specimen signatures of defendant No.1-Sushila for comparison from the Handwriting and Fingerprint Expert has been ordered to be dismissed.

The plaintiff-petitioner had filed a suit for possession in respect of a house described in detail in the plaint. It was averred in the

plaint that initially the plaintiff-petitioner was residing with her daughter Sushila and her husband i.e. the defendant-respondents herein. However, they would humiliate and harass her. It was further the averment that the plaintiff-petitioner, with the consent of her other daughters, purchased the suit property from one Jati Ram on payment of Rs.70,000/- vide writing dated 13.02.1996 in the presence of the defendant-respondents and other witnesses. It was further averred that even thereafter the defendant-respondents continued to harass and humiliate the plaintiff-petitioner and in June 2003 she was constrained to convene a Panchayat meeting consisting her daughter and respectable persons and it was decided that defendant No.1-Sushila would have no concern or connection whatsoever in the suit property as her 1/5 share had been given to her in the Panchayat. A writing to this effect is also stated to have been given on 25.06.2003 which was duly signed by all of them. It was further averred that the defendant No.1-Sushila approached the plaintiff-petitioner to give her a shop for some time for carrying on tailoring and *Kiryana* work. It was further averred that the said defendant No.1-Sushila started keeping her *Kiryana* articles in the residential portion and further humiliated and quarrelled with the plaintiff-petitioner. Numerous Panchayats are alleged to have been convened and the defendants were asked to handover vacant possession. Since they did not accede to the requests, the suit was filed.

In the written statement, the defendants categorically denied having got 1/5 share. It was further contended that all the documents were forged and fabricated and that defendant No.1-Sushila had never put her signatures or thumb-impressions on any document. It was also denied that

any Panchayat had been convened, as alleged. It was further denied that any signatures or thumb-impressions had been put on any document dated 25.06.2003. The issues in the present case were framed on 27.11.2015. The evidence of plaintiff-petitioner was closed on 16.12.2016. Evidence of defendants was closed on 10.07.2017. An application was moved in the year 2017 for taking specimen signatures of defendant No.1-Sushila before the Court for comparison from the Handwriting and Fingerprint Expert with the signatures available on documents Ex.P1 to Ex.P3 which were denied by defendant No.1-Sushila in her statement as DW10. Vide the impugned order dated 10.01.2018 the said application was dismissed primarily on the ground of delay.

Learned counsel for the plaintiff-petitioner would contend that the signatures were denied by DW10 in a cross-examination, hence, the necessity for filing the present application.

Per contra, the learned counsel for the defendant-respondents has contended that a perusal of the application would reveal that the same was for taking the specimen signatures of the defendant No.1-Sushila before the Court and that during the interregnum the said Sushila had died and hence the present petition has been rendered infructuous in as much as no relief could be now granted to the plaintiff-petitioner on the said application Annexure P-3.

Heard.

In the present case, the only prayer made in the application Annexure P-3 is for taking specimen signatures of the defendant No.1-Sushila before the Court. Admittedly, the said defendant No.1-Sushila has

since expired and hence no relief can be granted on the said application as the only prayer in the present application is for taking her specimen signatures. Specimen signatures of a dead person cannot be taken in Court.

In view of the above, the present petition is dismissed as having been rendered infructuous. Pending applications, if any, also stand disposed off.

06.08.2022
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(ALKA SARIN)
JUDGE

<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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