

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2922-2021
Decided on : 11.05.2022

Balwinder Kaur

..... Petitioner

Versus

Sharan Singh and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Deepak Choudhary, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 23.09.2021 (Annexure P-3) passed by Addl. Civil Judge(SD)-cum-JMIC, Fatehabad vide which an application filed by the petitioner for appointing a handwriting and finger print expert for taking her specimen signatures for comparison has been dismissed.

The petitioner has filed a suit for declaration to the effect that she is owner in possession of the suit land as detailed in the plaint. The pleaded case of the petitioner is that in a civil suit No.604 of 1994 titled as Sharan Singh vs. Harman Kaur etc., a decree had been obtained fraudulently by misrepresenting and impersonating her even though she had never appeared in the said suit. Learned counsel for the petitioner submits that it is in the aforesaid background that she wanted to get her signatures compared with the signatures available on the case file of Sharan Singh vs.

Harman Kaur etc. decided by Addl. Senior Sub Judge, Fatehabad vide judgment and decree dated 02.04.1994. He further submits that the Court below while passing the impugned order failed to appreciate that in the case of Sharan Singh vs. Harman Kaur, the signatures of the petitioner were in Hindi whereas in the present suit filed by the petitioner seeking relief of declaration and permanent injunction, she had affixed her signatures in Gurmukhi. Learned counsel still further submits that in case a handwriting and fingerprint expert is appointed to get her specimen signatures for comparison, it would not cause any prejudice to the opposite party and would rather help in the just adjudication of the suit in question.

Heard learned counsel and perused the relevant material available on record.

A perusal of the impugned order reveals that after issues had been framed by the trial Court, the case was fixed for evidence of the petitioner on 23.11.2019. Thereafter the petitioner was granted many opportunities to lead evidence including last opportunity by the trial Court for the same. It was at that stage the petitioner moved an application for appointment of a handwriting and fingerprint expert for the comparison of her admitted signatures . It needs to be pointed out that the petitioner during her cross-examination had deposed that she had already engaged a handwriting expert and had also obtained a report from him, which for reasons best known to her, she chose not to place on record.

In the circumstances, this Courts fails to comprehend and it does not appeal to logic as to why the petitioner requires another handwriting expert to be appointed for comparison of her 'disputed'

signatures with her admitted signatures. The trial Court has rightly observed that the Court cannot be made to collect evidence on behalf of any party.

As a sequel to above, this Court is not inclined to invoke its revisional jurisdiction to set aside the impugned order. Accordingly, the present petition being devoid of any merit, stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

11.05.2022

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