IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-7006-2018
Date of Decision:-**17.07.2023**

AMAR SINGH DECEASED THROUGH LRS

… Petitioner(s)

Versus

RANJIT SINGH

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Munish Raj, Advocate
for the petitioner.

Mr. Tribhuvan Singla, Advocate
for respondent.

-.-

KARAMJIT SINGH, J. (Oral)

1. The present petition has been filed by the petitioners/defendants under Article 227 of Constitution of India seeking quashing of impugned order dated 13.9.2018 (Annexure P-1), whereby the application filed by the petitioners/defendants for sending the pro-note and receipt in question for their examination in Forensic Science Laboratory (for short 'FSL') regarding the genuineness of signatures of Amar Singh as well as the age of ink used for different signatures and body of the pro-note has been dismissed.

GAURAV SOROT
2023.07.19 10:15
I attest to the accuracy and
authenticity of this order, judgment
and documents.

2. The counsel for the petitioners submits that the said application was dismissed by the learned trial Court on the ground that the signatures of Amar Singh Predecessor-in-interest of the petitioner are impliedly admitted in the written statement and further the application is filed at premature stage as the suit is fixed for the evidence of plaintiff/respondent. The counsel for the petitioners further submits that from the perusal of copy of pro-note and receipt, it appears that date of execution has been changed from 9.12.2004 to 9.12.2014 by over-writing digit (1) in figure 2004 to make it 2014 and the said interpolation is visible even with naked eye. The counsel for the petitioners further submits that the report of the FSL is also required to ascertain the age of ink in pro-note and receipt in question in order to establish that the said writing is much prior to 2014.

3. The counsel appearing on behalf of the respondents submits that the application in question was moved in advance by the petitioners when the suit was fixed for recording of evidence of respondent/plaintiff.

4. Both the counsel are having no objection if the present petition is disposed of with liberty to the petitioners to file fresh application for examination of disputed pro-note and receipt by sending the same to FSL concerned at the stage of petitioners/defendants evidence.

5. At this stage, counsel for the petitioners made prayer that he may be allowed to withdraw the present petition with aforesaid liberty.

GAURAV SOROT
2023.07.19 10:15
I attest to the accuracy and
authenticity of this order, judgment
and documents.

6. Accordingly, the present petition is hereby dismissed as withdrawn with liberty as prayed for to file fresh application at the appropriate stage of the suit as has been discussed above.

7. The present petition stands disposed of in the aforesaid terms.

(KARAMJIT SINGH)
JUDGE

17.07.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No

GAURAV SOROT
2023.07.19 10:15
I attest to the accuracy and
authenticity of this order, judgment
and documents.