

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CM-8338-CII-2023 in/and
CR-8252-2015
Date of Decision : 09.05.2023

Amir Chand

...Petitioner

Versus

Rajinder Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh Duhan, Advocate for the petitioner.

Mr. Vinod Gupta, Advocate for the respondent.

Harsimran Singh Sethi J. (Oral)

CM-8338-CII-2023

Present application has been filed for recalling the order dated 24.04.2023, by which, the present petition was dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Vinod Gupta, appears and accepts notice on behalf of the respondent. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which is duly supported by an affidavit, coupled with the fact that learned counsel for the respondent has not objected to the prayer as made in the present application, the same is allowed. The order dated 24.04.2023 is recalled and the revision petition is restored to its original number and status.

CR-8252-2015

1. The present civil revision petition has been filed by the petitioner challenging the order dated 20.10.2015 (Annexure P-1) passed by the trial court by which, the application filed by the petitioner-defendant for sending the pronote and the receipt dated 01.07.2010 to the Government Press, Nasik for verifying the year in which the revenue stamps affixed therein were presented and were issued for sale, has been declined.

2. Learned counsel for the petitioner submits that a suit was filed by the respondent-plaintiff for the recovery of Rs. 4,56,500/- on the basis of a pronote. During the evidence, a pronote was produced by the respondent-plaintiff to support his claim and in order to get the veracity of the said pronote checked, an application was filed by the petitioner-defendant that the said pronote and the receipt dated 01.07.2010 be sent to the Government Press, Nasik to know the printing date and the date of issuance of the revenue stamp affixed on the said pronote as well as on the receipt. The said application has been declined by the impugned order dated 20.10.2015 (Annexure P-1), which order is under challenge in the present civil revision petition.

3. Learned counsel for the petitioner places reliance upon the judgment of the Division Bench to contend that wherever there is a claim with regard to the veracity of the pronote, the same can be got checked along with the revenue stamp affixed thereupon from the authority concerned so as to arrive at a just and proper decision. The reliance is being placed upon the judgment of the Division Bench in CR No. 3643 of 2005

titled as *M/s Ram Rattan Hans Raj and others Vs. Harbhajan Singh*, decided on 29.08.2016.

4. Learned counsel for the respondent, on the other hand, submits that once the veracity of the pronote is not under challenge, the question of checking its veracity by filing the present application is meaningless.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The reliance is being placed by the respondent-plaintiff upon a pronote and the receipt by the respondent-plaintiff. There is an averment with regard to the challenge to the veracity of the said pronote and receipt dated 01.07.2010 at the hands of the petitioner, hence, it would have been appropriate to get the said pronote along with receipt dated 01.07.2010 checked up from the Government Press Nasik so as to verify the printing date and the issuance of the revenue stamp affixed on the pronote as well as on the receipt dated 01.07.2010 so as to record a finding qua the assertion being made by the plaintiff or the defendant in this regard.

7. Furthermore, the judgment in *M/s Ram Rattan Hans Raj and others's case (supra)*, the Division Bench has categorically held that wherever such kind of situation arises, the document should be got checked up so as to do justice between the parties.

8. Learned counsel for the respondent has not been able to rebut the said judgment of the Division Bench so as not to be made applicable in the present case.

9. Keeping in view the above, the civil revision petition is allowed. The order dated 20.10.2015 (Annexure P-1) is set-aside and the

application filed by the petitioner-defendant for examination of the pronote as well as the receipt dated 01.07.2010 and the revenue stamp affixed thereupon from the Government Press, Nasik is allowed.

10. It may be noticed that the expenditure for the said examination will be borne by the petitioner himself.

11. The civil revision petition is allowed in above terms.

May 09, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No