

CRR-1012-2023
Decided on: 15.05.2023

Versus

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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1. Aggrieved by the rejection of the application to get examine the hand writing of complainant's brother, the petitioner had come up before this Court.
2. The nature of the order this Court proposes to pass is that no notices are required to be issued to the respondent for the reasons that no prejudice is going to be caused to them.
3. On 14.02.2023, this Court had passed the following order in CRR-2549-2022:-

“Counsel for the petitioner submits that cheque in question was signed by petitioner which was for the purpose of security but the body of the cheque was not filled by her and it was misused by the respondent. He further submits that the petitioner had filed an application before the trial Court seeking directions to Bhushan Garg, who is brother of the complainant to give his handwriting specimen for comparison with the said cheque and enable her to prove her stand.

After arguing for some me, counsel for the petitioner submits that he would be contended and satisfied, in case, he is permitted to file a proper application before the trial Court mentioning the complete facts and reasons for examination of Bhushan Garg and also the reasons for which the cheque in question was issued. He further submits that the trial Court should decide the said application afresh without being influenced by the order of rejection of the earlier application (Annexure P-2).

I have gone through the record and a perusal of para No. 2 of the application (Annexure P-2) refers to misuse of the cheque but reflects the other reasons for which the cheque was given. Consequently, the trial Court had dismissed the said application and feeling aggrieved, the petitioner has come before this Court.

A perusal of copy of the cheque thus prima facie refers no difference in signatures of the drawer of the cheque and the person, who appears to have filled up the body.

Given above, the present petition is allowed and order dated 30.09.2022 is set aside.

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The petitioner is permitted to file a fresh application within 15 days from today and in case, such application is filed, the trial Court shall decide the same fresh without being influenced by the previous rejection order.

All pending miscellaneous applications, if any, stand disposed of."

4. After that, the petitioner filed an application before the concerned Court but the same was dismissed for the reasons that it was filed after the time specified in the said order dated 14.02.2023. Aggrieved by the same, the petitioner had come up before this Court by filing the present revision petition.

5. The petitioner's grievance is that she could not file the application on time because the order was not uploaded on the web page of this Court.

6. On 19.04.2023 after hearing the petitioner's counsel, this Court had extended the time till 15.05.2023, to comply with the directions issued by this Court in the order dated 14.02.2023. Given the nature of order which was passed on 19.04.2023, the main relief has already been granted to the petitioner. In case, he had to file any application for comparison of hand writing of complainant's brother, the same had to be filed on or before 15.05.2023. In case, the same has been filed, this Court requests the trial Court to decide the said application on priority and not later than 31.05.2023.

7. Given above and in view of the order passed on 19.04.2023, no further orders are required to be passed in the present petition and the same is disposed of in the terms mentioned above. Petitioner is directed not to seek any adjournment during the trial and the respondent is also advised not to seek any un-necessary adjournment. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

15.05.2023
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Whether speaking/reasoned: Yes
Whether reportable: **No.**