

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108)

CR No.2568 of 2022

Date of Decision : 28.04.2023

Balwinder Kaur

...Petitioner

Versus

Sharan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Harsimran Singh Sethi J. (Oral)

The present petition has been filed for setting aside the order dated 17.09.2022 passed by the trial Court by which, the application filed by the petitioner-plaintiff to get the signatures of Surender Kaur wife of defendant No.1 compared with the specimen signatures of Balwinder Kaur, has been dismissed.

Learned counsel for the petitioner argues that as per the allegation of the petitioner-plaintiff one Surender Kaur had forged signatures of the petitioner on the power of attorney and written statement filed in Civil Suit in which she never appeared, hence application was filed to call said Surender Kaur so as to take the specimen signatures in the name of Balwinder Kaur so as to compare the same with the one appended on the power of attorney.

Learned counsel submits that without application of mind, the said application has been dismissed.

I have heard learned counsel for the petitioner and have gone through the record of the case with his able assistance.

It may be noticed that for the same purpose, the application was moved by the petitioner-plaintiff for summoning the handwriting and finger expert to compare the signatures on the Vakalatnama and written statement and other documents filed in Civil Suit No.604 of 1994 titled as **Sharan Singh Vs. Smt. Harnam Kaur and etc.**, which application was dismissed and even the revision petition filed by the present petitioner was also dismissed.

Again, application for the same purpose has been filed for the same relief. Once Coordinate Bench has already dismissed the revision filed so as to call the handwriting expert for comparing the signatures as being sought, no second application could have been filed for the same purpose.

Further, it may be noticed that the assertion of the petitioner is that the said Surender Kaur, who is not even a party to the suit should be called, to sign as Balwinder Kaur, so as to get examined the said specimen by the handwriting expert. Learned counsel for the petitioner has not been able to explain as to how someone can be compelled to give specimen signatures in the name of Balwinder Kaur so as to be examined by a handwriting expert. A person can be called to give his/her own specimen signatures to be compared with his/her signatures but no one can be compelled to give specimen signatures in the name of someone else.

Further, in the criminal proceedings, which have been initiated by the petitioner, Surender Kaur is a party where the petitioner

can file appropriate application for consideration by the competent Court of law.

No ground is made out for any interference by this Court in the present revision petition.

Dismissed.

April 28, 2023
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No