

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-3612-2019

Date of Decision: October 20, 2023

KRISHANA DEVI

..... Petitioner

Versus

SUDHIR SOOD

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhishek Sahu, Advocate for
Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Ashish Gupta, Advocate for the respondent.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been made to an order dated 17.01.2019 passed by the learned Rent Controller, Moga whereby, an application filed at the instance of petitioner-landlord, seeking permission to examine finger print expert for comparing the signatures of respondent-tenant with his alleged signatures on the service report, stands dismissed.

2. In the present case, the petitioner-landlord sought eviction of respondent-tenant from a shop in question, on the ground of arrears of rent as well as bona fide necessity. An ex parte eviction order was passed by Rent Controller on 30.05.2015.

3. During execution, an application for setting aside of the ex parte eviction order came to be filed at the instance of respondent-tenant on 08.01.2016. During its pendency, the petitioner-landlord moved an application seeking permission to examine handwriting expert for comparing standard signatures of respondent-tenant with his alleged signatures on the service report.

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4. The aforesaid application was strongly opposed at the instance of respondent-tenant and the same was dismissed by Rent Controller vide order dated 17.01.2019. While assailing the aforesaid order, learned counsel for the petitioner submits that an examination of handwriting expert so as to compare the standard signatures of respondent-tenant with his alleged signatures on the service report would help the Court to adjudicate upon the application moved under Order 9 Rule 13 of CPC in a complete and effective manner.

5. On the other hand, the prayer made herein has been opposed at the instance of learned counsel representing the respondent-tenant while submitting that neither in the application nor even in the entire revision petition, it has been pointed as to from which document the specimen signatures of respondent-tenant were sought to be compared through handwriting expert and thus the application was rightly declined being vague and devoid of necessary facts.

6. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

7. A perusal of record shows that an application under Order 9 Rule 13 CPC seeking setting aside of ex parte eviction order dated 17.01.2019 has been filed at the instance of respondent-tenant alleging his non-service in the eviction proceedings and thus, the examination of handwriting expert so as to compare her standard signatures with the alleged signatures over the service report for the just decision

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of the said application. Rather, the same would even help the Rent Controller to adjudicate upon the rights of the parties more effectively. Though the application appears to be vague, there being deficiency as regards the necessary facts, however, the petitioner-landlord has been able to make out a case by specifying the documents on which the specimen signatures of respondent-tenant are required to be compared through handwriting expert.

8. In view of the discussion made hereinabove, the impugned order dated 17.01.2019 passed by the learned Rent Controller is hereby set aside and petitioner is permitted to examine the handwriting expert for the purposes of comparing specimen signatures of respondent-tenant with his alleged signatures over the service report.

9. Considering the fact that the application under Order 9 Rule 13 CPC is pending consideration for the past 7 years, the Rent Controller is requested to dispose of the same as expeditiously as possible, preferably within a period of six months from today.

10. Disposed of in the aforesaid terms.

11. Pending application(s), if any, shall also stand disposed of.

20.10.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>