

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR-4189-2023

Date of Decision: 27.7.2023

Surinder Singh Rajpura

....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Prabhjot Waraich, Advocate and
Mr. Rajkanwar Singh, Advocate,
for the petitioner.

KARAMJIT SINGH, J.

Instant revision petition has been filed by the petitioner against order dated 25.1.2014 passed by the Court of Civil Judge, Junior Division, Patiala whereby application under Order 11 Rule 12-14 read with Section 151 CPC filed by the defendants, has been allowed with direction to the plaintiff to bring the original agreement to sell dated 5.1.2010 along with its attested copies, in the Court for the purpose of its examination by the Hand Writing/Document Expert engaged by the defendants.

2. Counsel for the petitioner submits that defendants are known criminals and they intend to procure the original agreement to sell dated 5.1.2010 from the plaintiff by hook or crook and thus, to weaken the case of the petitioner which is based on the said document. He further submits that separate civil suit for specific performance of the said agreement is also pending between the parties at Patiala while the present suit is a suit for permanent injunction. Counsel for the petitioner further submits that there is apprehension in the mind of the petitioner that if the original agreement to

sell dated 5.1.2010 is produced by the petitioner in the Court in compliance of the impugned order, the other party is likely to snatch/destroy the said document as the defendants are having no fear of Court. Counsel for the petitioner further submits that earlier also, futile efforts were made on behalf of the respondents seeking directions to the petitioner to produce original agreement to sell dated 5.1.2010 in the Court. So, prayer is made that the impugned order be set aside.

3. I have considered the submissions made by the counsel for the petitioner.

4. The petitioner along with his wife and son has filed suit for permanent injunction against respondents No.5, 6 and 7 for grant of decree for permanent injunction with regard to suit property on the basis of agreement to sell dated 5.1.2010. As per the petitioner, separate suit with regard to specific performance of the aforesaid agreement to sell is also pending between the parties. Admittedly, original agreement to sell dated 5.1.2010 is in custody of the petitioner and is not lying in the Court and execution of the said document has been denied by the respondents. In order to establish their defence, the respondents moved an application to direct the petitioner to produce original agreement to sell in the Court so that Hand Writing/Document Expert engaged by the respondents could check and take photographs of the original agreement for purpose of ascertaining its genuineness.

5. It is settled that in case any comparison with regard to hand writing/signatures appearing on the document is to be made, examination of original document is necessary. In the given circumstances, the learned trial Court rightly directed the petitioner to produce the original agreement to

sell in the Court on the next date fixed so that it could be checked and its photographs be taken by the private Hand Writing/Document Expert engaged by the respondents in order to establish authenticity of the said document.

6. In order to dispel the apprehension which is there in the mind of the petitioner, the learned trial Court is hereby directed that the Hand Writing/Document Expert has to examine/check the said document and to take its photographs in the presence of both the parties and is to be supervised by Reader of the Court and the original document is to be handed over to the Hand Writing/Document Expert only by the Presiding Officer of the Court after getting the same from the petitioner and in the end, Hand Writing/Document Expert is to handover the said document to the Presiding Officer and the Presiding Officer will return the same to the petitioner and in this regard, statement of the petitioner is to be recorded by the Presiding Officer. It is further made clear that Hand Writing/Document Expert is not to hand over the said agreement to sell to the respondents or their counsel and the entire exercise is to be undertaken while sitting in the Court room only. If need be, the trial Court can also direct Naib Court of the said Court to keep watch on both the parties when the document is going to be checked and its photographs are to be taken by Hand Writing/Document Expert.

7. Present petition stands disposed of in the aforesaid terms.

(KARAMJIT SINGH)
JUDGE

July 27, 2023
Paritosh Kumar