

CR-8426 of 2018

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

CR-8426 of 2018

Reserved on: 12.07.2023

Date of pronouncement: 09.08.2023

M/s Jai Kissan Beej Bhandar and others

.....Petitioners

Versus

Abhishek Garg

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by: Mr. Sukhbir Singh, Advocate,
for the petitioners.

None for the respondent

NAMIT KUMAR, J.

1. Instant revision petition has been preferred by the petitioners/defendants under Article 227 of the Constitution of India impugning the order dated 09.10.2018 passed by the Court of learned Civil Judge (Senior Division), Mansa, whereby application filed by the petitioners/defendants seeking direction to the respondent/plaintiff to give his specimen handwriting and signatures for comparison purpose, which were to be got compared from the handwriting expert engaged by the defendants, has been dismissed.

2. Briefly stated, the facts of the case are that respondent/plaintiff filed a suit for recovery of Rs.2,09,008/- (Rs.1,61,700/- as principal amount and Rs.48,008/- as interest) along with *pendente lite* and future interest @ 12% per annum from the appellants/defendants till its realisation. Petitioners/defendants

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contested the suit and during the stage of evidence, petitioners filed an application for summoning the handwriting expert for proving the handwriting of the respondent/plaintiff on the note given to the petitioners/defendants by the respondent/plaintiff at Bareilly. Thereafter petitioner/defendant filed another application on 18.09.2018 for taking specimen signature and handwriting of the respondent/plaintiff for getting it examined from the handwriting expert. The said application has been dismissed by the trial Court vide impugned order dated 09.10.2018. Hence, this revision petition.

3. Learned counsel for the petitioners while referring to Ex.D1 submitted that mark 'A' of the said letter has been written by the employee of the respondent/plaintiff; on mark 'B' respondent/plaintiff has put his signatures and mark 'C' has been written by the respondent/plaintiff himself. He further referred to Annexure P-9 which is cross-examination of the respondent/plaintiff wherein he has submitted that he is ready to give specimen of his signatures and handwriting. He contended that once the respondent/plaintiff had admitted in his cross-examination that he was ready to give his specimen signatures and handwriting, therefore, the impugned order passed by the trial Court is wrong and liable to be set aside. He further submitted that no prejudice would be caused to the respondent/plaintiff and it would be in the interest of fairness of things that specimen signatures and handwriting of the respondent/plaintiff is obtained for comparison purpose for just decision of the case.

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4. Despite service, no one has put in appearance on behalf of the respondent.

5. Since no one has appeared on behalf of the respondent/plaintiff to oppose the prayer of the petitioners and the fact that respondent/plaintiff has himself admitted in his cross-examination that he is ready to give his specimen signatures and handwriting and since no prejudice would be caused to him. Consequently, the revision petition is allowed. Impugned order dated 09.10.2018 is set aside and respondent/plaintiff is directed to give his specimen signatures and handwriting for comparison from the handwriting expert engaged by the petitioners/defendants.

09.08.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No