

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

**Civil Revision No. 7358 of 2023(O&M)
Date of Decision: 07.12.2023**

Ramkwar @ Ramkuwar

...Petitioner

Versus

Surender Singh

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. M.S. Kundu, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. The present revision petition is filed by petitioner/ defendant seeking setting aside of order dated 31.10.2023 (Annexure P-1) passed by the Court of Additional Civil Judge (Sr.Divn.), Gohana whereby the application filed by respondent/ plaintiff for admission or denial of signatures/ thumb impression of petitioner on agreement to sell and receipt dated 04.07.2020, has been allowed.

2. The brief facts of the case are that respondent/ plaintiff filed suit for possession by way of specific performance of agreement to sell and receipt dated 04.07.2020 against the petitioner wherein the petitioner filed written statement contesting the claim of the respondent. The trial Court settled the issues and posted the suit for evidence of respondent/ plaintiff at which stage respondent filed an application for admission and denial of signature/ thumb impression of the petitioner on the aforesaid documents dated 04.07.2020. The said application was contested by the petitioner. The trial Court allowed the said application vide impugned order (Annexure P-1)

and petitioner is directed to admit or deny his signatures on the disputed documents.

3. Being aggrieved, the petitioner has filed the present revision petition.

4. The counsel for the petitioner while referring to the written statement (Annexure P-3) submits that the petitioner has specifically denied the execution of documents in question as well as his signatures on the said documents, in the written statement. As there is already specific denial on the part of the petitioner, no purpose has been served by filing an application by respondent seeking admission or denial of disputed signatures of the petitioner. So, prayer is made that the impugned order be set aside.

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

6. In the written statement, Annexure P-3 the petitioner while denying the averments of the plaint, Annexure P-2 has pleaded that the agreement in question is not legally tenable nor executable nor the same can be given effect to and hence the same cannot be acted upon. In the written statement, it is further denied that the said agreement was executed by the answering defendant in presence of the said persons. It is also denied that the agreement in question was signed by the answering defendant after going through its contents. The respondent further pleaded in his written statement that the plaintiff is a very clever and powerful person who succeeded in maneuvering the agreement in question and receipt by misusing the position of the answering defendant and that the agreement has become infructuous.

7. From the perusal of the aforesaid averments made by the petitioner in his written statement, it could be easily inferred that the petitioner has impliedly admitted his signatures on the disputed documents.

However, there is no specific admission in this regard on the part of petitioner. It being so, there is no illegality in the impugned order whereby petitioner has been directed to admit or deny his signatures on both the disputed documents dated 04.07.2020.

8. Facing with this situation, the counsel for the petitioner made prayer that he will furnish the specific affidavit regarding admission or denial of his signatures on the disputed documents within next 07 days.

9. In light of the above, the present petition is disposed of in aforesaid terms and in case the petitioner fails to furnish the requisite affidavit in the trial Court within the stipulated period of 07 days, this petition shall be deemed to be dismissed.

10. Observations made hereinabove are not to be construed as expression of opinion on the merits of main case.

11. Keeping in view the nature of order being passed, no notice is required to be issued to the respondent. However, if he feels dis-satisfied with this order, he may move an application to recall the same.

(KARAMJIT SINGH)
JUDGE

07.12.2023
Jiten

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No