

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**124****CR No.891 of 2024****Reserved on : 14.02.2024****Date of Decision : 20.02.2024**

Harnam Singh and Another

....Petitioners

VERSUS

Daljit Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manish Prabhakar, Advocate for the petitioners.

ALKA SARIN, J.

1. The challenge in the present revision petition is to the order dated 01.02.2024 passed by the Trial Court dismissing the application filed by the defendant-petitioners seeking permission to get compared the disputed signatures of defendant-petitioner No.2 from Forensic Science Laboratory by sending the original agreement to sell to the concerned laboratory.

2. The plaintiff-respondent No.1 filed a suit seeking the relief of possession by way of specific performance of alleged agreement to sell dated 02.06.2006. The defendant-petitioners denied having executed any agreement to sell. On 18.10.2023 (Annexure P-6) the Trial Court allowed an application (Annexure P-4) filed by the defendant-petitioners for examining a Handwriting and Finger Print Expert to get compared the disputed signatures/thumb impression of defendant-petitioner No.1 with his standard signatures/Thumb impression. After this application was allowed, on 22.11.2023, the defendant-petitioners moved an application (Annexure P-3)

seeking permission to get compared the disputed signatures of defendant-petitioner No.2 from Forensic Science Laboratory by sending the original agreement to sell to the concerned laboratory. This application was contested by the plaintiff-respondent No.1 by filing a reply wherein it was stated that the application had been filed only to prolong the case. It was also stated that the defendant-petitioners had failed to avail the concession given to them by the Trial Court vide order dated 18.10.2023 (Annexure P-6) and now the present application had been moved without any reason. Vide the impugned order the Trial Court dismissed the application (Annexure P-3). Hence, the present revision petition.

3. Learned counsel for the defendant-petitioners has contended that the Trial Court has erred in dismissing the application (Annexure P-3). It is submitted that the plaintiff-respondent No.1 used a blank sheet which bore the signatures of defendant-petitioner No.1 to create the agreement to sell and on that sheet the forged signatures of defendant-petitioner No.2 have been put. According to counsel the original agreement to sell dated 02.06.2006 is required to be sent to the Forensic Science Laboratory for examination of the disputed signatures of defendant-petitioner No.2 with his standard signatures. It is argued that despite the earlier order dated 18.10.2023 (Annexure P-6) the signatures could not be got compared as the FSL did not accept their request without an order from the Court.

4. I have heard learned counsel for the defendant-petitioners.

5. On 07.08.2023, while the suit was fixed for the evidence by the defendants, the defendant-petitioners filed an application (Annexure P-4) which was for “... *granting permission to examine & compare the*

questioned agreement to sell dated 2.6.2006 as to whether the alleged thumb impression / signatures of defendant No.1 on the said agreement were obtained on Blank Pages and typing was done later on / afterward or is a normally executed document and also to examine & compared the alleged signature of defendant No.2 from document expert for proper adjudication of this case". Vide order dated 18.10.2023 (Annexure P-6) the Trial Court allowed this application by holding *"the applicants/defendants are permitted to examine Hand Writing & Finger Print Expert to get compared the disputed signatures/thumb impression of defendant no.1 with his standard signatures/Thumb impression. However, it is made clear that said concession is granted to applicants/defendants only qua comparison of signatures/Thumb impression of defendant no.1 and not other part of alleged agreement to sell dated 02.06.2006"*.

6. Thus, though the defendant-petitioners had in their application (Annexure P-4) prayed for examination and comparison of the alleged signatures of defendant-petitioner No.2 by an expert, the Trial Court vide order Annexure P-6 did not grant this permission and permission was only granted to get the signatures/thumb impression of defendant-petitioner No.1 compared. The order dated 18.10.2023 (Annexure P-6) was not challenged further by the defendant-petitioners. Instead, a fresh application (Annexure P-3) was filed seeking permission to get compared the disputed signatures of defendant-petitioner No.2 from Forensic Science Laboratory by sending the original agreement to sell to the concerned laboratory which application has been dismissed by the impugned order. Learned counsel for the defendant-petitioners has not been able to convince this Court as to how the subsequent

application (Annexure P-3) was maintainable after the Trial Court had already not granted permission to examine and compare the alleged signature of defendant-petitioner No.2 from a document expert. Allowing the present application (Annexure P-3) would tantamount to reviewing the order dated 18.10.2023 (Annexure P-6) which order has already attained finality. Further, even the earlier order dated 18.10.2023 (Annexure P-6) has not been complied with by the defendant-petitioners and the contention of their counsel that the FSL did not accept their request without an order from the Court is not borne out from the contents of the present application (Annexure P-3). There is no such averment in the present application (Annexure P-3). No other point was argued.

7. In view of the above, there is no illegality or material irregularity in the impugned order. I do not find any merit in the present revision petition and the same is dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

20.02.2024

jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO