



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 3795 of 2024 (O&M)
Date of Decision: 10.07.2024

Jeeta Ram and another
..... Petitioners

Versus

M/s. Mangat Ram Munshi Ram and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Paramjeet Singh Jammu, Advocate
for the petitioners-defendants.

HARKESH MANUJA, J. (ORAL)

The petitioners, by way of present revision petition, seeks setting aside of an order dated 01.07.2024 (Annexure P-1) passed by learned Civil Judge (Junior Division), Sirsa, whereby an application moved on behalf of the petitioners-defendants for grant of permission to compare their signatures upon the *bahi khata* entries relied upon by the respondents-plaintiffs with their standard signatures, has been rejected.

[2] In the present case, a suit for recovery of Rs.14,97,811/- was filed at the instance of respondents-plaintiffs against the petitioners-defendants, wherein a detailed written statement was filed on behalf of the petitioners. Upon conclusion of the evidence of respondents-plaintiffs, while the evidence of petitioners-defendants was going on, an application was filed on their behalf for seeking permission to get their signatures from the *bahi khata* entries relied upon by the respondents-plaintiffs compared with their standard signatures through handwriting expert. The aforesaid application was

opposed at the instance of respondents-plaintiffs in the wake of admissions made by the petitioners-defendants in their written statement regarding the signatures and the trial Court, thus, declined the prayer made on behalf of the petitioners vide order dated 01.07.2024 (P-1).

[3] Impugning the aforesaid order dated 01.07.2024 (P-1), learned counsel for the petitioners-defendants submits that the comparison of signatures of the petitioners from the *bahi khata* entries with their standard signatures was very much essential to establish their defence and thus, the passing of impugned order has caused serious prejudice to their rights and would also amount to denial of proper opportunity to them.

[4] After hearing learned counsel for the petitioners and having gone through the paper-book, I am unable to find substance in the submissions made on behalf of the petitioners.

[5] A perusal of the written statement filed on behalf of the petitioners-defendants shows that repeated and consistent stand has been taken therein to the effect that their signatures were obtained on the account books being blank and the *bahi khata* entries were later forged thereupon. The relevant extract to this effect from para-1 of the preliminary objections as well as from para-5 on merits of the written statement are extracted hereunder:-

“ Para-1 of Preliminary Objections:-

.....It is also submitted that during the customary relationship of the plaintiff and the defendants, the plaintiff firm under the bonafide belief of the defendants upon them have obtained the blank signature of the defendants on blank papers and account books....”

Para-5 of Parawise Reply:-

..... However, it is submitted that as the defendants remained customer of the plaintiff firm since 2003 hence the defendants were having the blind faith upon the plaintiff firm and under this bonafide belief of the defendants on the accounts, which blank signed bahee entries have now been forged by the plaintiffs as per their own whims.....”

In such circumstances, when the signatures over the *bahi khata* entries were repeatedly admitted by the petitioners-defendants in their written statement, no purpose is going to be served while permitting them to get their signatures over those *bahi khata* entries to be got compared with their standard signatures through handwriting expert as that would amount to permitting them to lead evidence beyond their own pleadings. Consequently, no illegality or perversity can be found with the discretion exercised by the trial Court, while declining the application filed on behalf of the petitioners.

[6] Accordingly, finding no merit in the present revision petition, the same is hereby **dismissed**.

July 10, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No