

2024:PHHC:038170

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

CR No.6942 of 2023
Date of Decision: 15.03.2024

Jagjit Singh

.....Revisionist-Petitioner.

Versus

Surinder Kumar (since deceased) through LRs

.....Respondents.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Argued by:- Mr. S.S. Swaich, Advocate, appearing for
 Mr. G.S. Dhindsa, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-defendant (here-in-after to be referred as 'the defendant') has laid challenge to the order (Annexure P-5) passed by learned Civil Judge (Junior Division), Patiala (for short 'the trial Court') on 13.10.2023 in *Civil Suit No.197 of 2017* titled as '*Surinder Kumar Vs. Jagjit Singh*', whereby the application moved by him with the prayer to send the original Pronote and the Receipt dated 02.06.2015 to the Indian Security Press, Government of India, Nasik, for ascertaining the age, i.e the date and year of the printing/issuance, of the revenue-stamps affixed/pasted thereon, has been dismissed.

2. Bereft of the unnecessary details, the facts, as emanating from the perusal of the file and culminating in the filing of the present revision-petition, are that the respondent-plaintiff (since deceased and represented

through his LRs and here-in-after to be referred as ‘the plaintiff’) filed a Civil Suit for seeking a decree for the recovery of Rs.16,95,000/- from the defendant, along-with the interest, while averring that the defendant had borrowed a sum of Rs.12 lac from him on 02.06.2015 and had executed the Pronote and Receipt in lieu of the same. The defendant filed his written-statement, controverting the claim of the plaintiff therein by asserting that in the year 2006, Mohan Kumar Ghanayia, who was a Commission Agent-cum-Money-Lender, had procured his (defendant’s) signatures on revenue-stamps, as already pasted on the blank Pronote and Receipt and the plaintiff had filed a false Suit against him, in connivance with the above-named Money-Lender, by misusing the afore-said documents. Vide the impugned order, the application, as moved by the defendant with the above-discussed prayer, has been dismissed by the trial Court, as already indicated in the opening para of this judgment.

3. I have heard learned counsel appearing for the petitioner-defendant in the instant revision-petition, at the preliminary stage and have also perused the file carefully.

4. Learned counsel appearing for the defendant has contended that the afore-named Money-Lender had obtained the signatures of the defendant on the revenue-stamps, already pasted on the blank Pronote and Receipt, long back in the year 2006 and now, the plaintiff has misused these documents by mentioning the date of execution thereof as 02.06.2015 in the same, with the *mala-fide* intention to raise a frivolous claim against the defendant qua the recovery of the above-said amount and therefore, the report from the Indian Security Press regarding the age, i.e the date and the

year of the issuance/printing, of the revenue-stamps, pasted on the afore-referred documents, is essential for the proper and just decision of the said Suit but learned trial Court has wrongly dismissed the application, as filed by the defendant for this purpose. To buttress his contentions, he has placed reliance upon the observations made by the Co-ordinate Benches in *Hari Chand Vs. Avtar Singh, 1999(4) R.C.R (Civil) 123, decided on 26.07.1999* and *Nirbhai Singh Vs. Gurvinder Singh and ors. 2010(46) R.C.R (Civil) 480, decided on 22.02.2010.*

5. However, the above-raised contentions are devoid of any force because in view of the averments and assertions, as set-forth by both the parties in their respective pleadings and already discussed in the preceding paragraphs, it emerges out that the bone of contention between them in the Suit, is the actual date/year of the execution of the afore-mentioned Pronote and Receipt. It is pertinent to mention here that the defendant has not been able to refer to any legal provision or Rule which bars the use of the old revenue-stamps on the documents executed later-on. It being so, the report, if sought and received from the Indian Security Press, cannot be construed to be the decisive factor to ascertain/adjudicate the veracity of the above-discussed version of the defendant or the genuineness of both the afore-said documents. Had it been alleged/asserted by the defendant that the plaintiff had misused the subsequently printed revenue-stamps for ante-dating these documents, then the matter would have been entirely different.

6. The judgments, handed down by the Co-ordinate Benches in *Hari Chand (supra)* and *Nirbhai Singh (supra)*, would be of no help to the defendant in view of the verdict rendered by this Court in *RSA No.894 of*

2010, decided on 26.02.2014 titled as Gopal Singh Vs. Balwinder Singh wherein, after considering, discussing and dealing with both the above-referred judgments, it has been observed that “*even if, presuming for the sake of arguments, the stamps are of the year 2001, there was no bar in law shown by the defendant that the said stamps could not have been used in the year 2005 and it would have been altogether a different matter if the plaintiff had used later stamps on a previously executed Pronote as held by this Court in Nirbhai Singh’s case*” and these observations have also been re-iterated by the Co-ordinate Bench in CR No.5129 of 2018, decided on 16.08.2018 titled as Iqbal Singh Vs. Pardeep Kumar.

7. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

March 15th, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	Yes