



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

125

CR-1432-2025 (O&M)
Date of Decision: 10.03.2025

Manjit Singh

...Petitioner

V/s

Karamjit Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Ankit Rana, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition is directed against the order dated 19.02.2025 (Annexure P-5) passed by the Court of learned Addl. Civil Judge (Sr. Divn), Nabha, vide which the application filed by the petitioner under Section 45 of the Indian Evidence Act, 1872 (for short "the Evidence Act") for examination of the pronote and receipt from a document expert was dismissed.

2. A suit for recovery of Rs.12,21,340/- was filed by the respondent-plaintiff (Manjit Singh) against the petitioner-defendant (Karamjit Singh). The case set was that a loan of Rs.7,90,000/- had been taken by the petitioner-defendant from the respondent-plaintiff and he had executed a pronote and receipt on the same date. The suit was opposed by way of written statement (Annexure P-2). During the evidence of the petitioner-defendant, an application (Annexure P-3) was filed under Section 45 of the Evidence Act seeking examination of the pronote and receipt from a document expert. The application was opposed by way of reply (Annexure P-4). Eventually, the same was dismissed vide the impugned order dated 19.02.2025 leading to filing of the present revision petition.



3. Learned counsel for the petitioner submits that one opportunity be granted to the petitioner to examine the expert.

4. I have considered the submissions made by learned counsel for the petitioner but find the same to be devoid of merit.

5. In the written statement (Annexure P-2), a specific stand was taken by the petitioner-defendant that the respondent-plaintiff had misused the pronote and receipt which had been given to the respondent-plaintiff as security;

“In the same manner, the plaintiff is also a gangman of Ranjit Singh and Ranjit Singh, in connivance with the plaintiff, has also misused the pronote and receipt in question which was given to Ranjit Singh as security and has got filed the present false suit from the plaintiff in order to grab huge amount from the defendant.”

6. Once the stand taken in the written statement was that the pronote and receipt had been misused by the respondent-plaintiff, it would be clear that the petitioner-defendant admitted his signatures on the same. Once he had admitted his signatures on the pronote and receipt, there would be no occasion to summon an expert to examine the handwriting of the petitioner-defendant on the pronote and receipt.

7. As to whether the same had been misused by the respondent-plaintiff would be for the petitioner to prove during the course of evidence. This very view was taken by the trial Court while dismissing the application moved by the petitioner-defendant;

“I have carefully heard both the counsel for parties on application under consideration. The applicant has filed the present application under Section 45 of Indian Evidence Act seeking permission to examine Handwriting and Fingerprint Expert. Perusal of file reveals that the issues were framed in present case on 02.12.2021. The evidence of plaintiff was concluded on 06.09.2024 and thereafter, the case was listed for evidence of applicant, when the present application was moved. The applicant sought permission to examine Handwriting and Fingerprint Expert in order to get



compare his disputed signatures upon the alleged pronote and receipt pronote with his standard signatures. The applicant in his pleading and testimony did not dispute his signatures upon the alleged pronote and receipt pronote. On the other hand, he has taken the plea that one Ranjit Singh took blank signed pronote and receipt pronote from him which was misused through the present case. When the applicant did not dispute his signatures on pronote and receipt pronote then, this court fails to understand that for what purpose, the applicant wants to compare his signatures upon pronote and receipt pronote with his standard signatures. Second prayer of applicant is that he wants to get compare his writing upon the alleged pronote and receipt pronote with his standard writing given in court. Perusal of file reveals that the plaintiff has already examined Handwriting and Fingerprint Expert who had compared the writing of pronote and receipt pronote with the standard writing of applicant. The counsel for the applicant has already conducted lengthy cross-examination of the Handwriting and Fingerprint Expert examined by the plaintiff. This court finds no logic to call one more report of Handwriting and Fingerprint Expert on the same pattern of writing of alleged pronote and receipt pronote. Accordingly, this court finds no merit in the application filed by the applicant/defendant and same is dismissed. Now to come up for cross-examination of DW1 and remaining defence evidence for 10.03.2025.”

8. In view of the above, I do not find any illegality in the impugned order warranting interference in the present revision petition and the same is accordingly dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

March 10, 2025
vcgarg

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