
(2013) 07 P&H CK 0679
In the Punjab And Haryana At Chandigarh
Case No : C.R. No. 4158 of 2013

Balwant Singh

APPELLANT

Vs

Manjit Kaur and Others

RESPONDENT

Date of Decision : 15-07-2013

Acts Referred:

Citation : (2014) 1 Crimes 283 : (2013) 172 PLR 193

Hon'ble Judges : L.N. Mittal, J

Bench : Single Bench

Advocate : Kunal Dawar, for the Appellant;

Judgement

L.N. Mittal, J.—Defendant No. 2 Balwant Singh has approached this Court by way of instant revision petition filed under Article 227 of the Constitution of India impugning order dated 20.05.2013 (Annexure P-1), passed by learned trial court, thereby allowing application (Annexure P-2), filed by respondents No. 1 and 2-plaintiffs for sending the two disputed cheques to handwriting expert in Forensic Science Laboratory (FSL), Madhuban, for comparison with specimen/standard signatures of the plaintiffs. Defendant No. 2 - petitioner, in his written statement (Annexure P-5), has alleged that he had paid Rs. 1,90,000/- to plaintiff No. 1 vide cheque No. 749504 dated 21.08.1996 and paid another amount of Rs. 1,90,000/- to plaintiff No. 2 vide cheque No. 749503 dated 23.08.1996. The plaintiffs, in their application (Annexure P-2), alleged that they never received the said cheques nor encashed the same. To prove the same, the plaintiffs want that their alleged signatures regarding encashment of the said cheques be compared by independent handwriting expert of FSL, Madhuban with their specimen/standard signatures. Defendant No. 2, by filing reply (Annexure P-3), opposed the application (Annexure P-2) moved by the plaintiffs and alleged that the application has been moved to delay the trial of the case because it has been moved by the plaintiffs after availing several opportunities for their evidence.

2. Learned trial court, vide impugned order (Annexure P-1), has allowed the

application moved by the plaintiffs. Feeling dissatisfied, defendant No. 2 has filed this revision petition to impugn the said order.

3. I have heard counsel for the petitioner and perused the case file.

4. Counsel for the petitioner contended that the plaintiffs could have examined their own private handwriting expert to prove that the cheques did not bear their signatures regarding encashment thereof. However, this contention is not sufficient to set aside the impugned order. It is correct that plaintiffs had the liberty to examine their own handwriting expert as their witness. However, the plaintiffs, by way of precaution, want to examine independent handwriting expert from FSL, Madhuban so that the opinion of the expert may inspire confidence. Consequently, if instead of examining private handwriting expert, the plaintiffs want to examine handwriting expert from FSL, Madhuban, there is nothing wrong in it.

5. Defendant No. 2 - petitioner shall also get opportunity to rebut the evidence of the handwriting expert from FSL, Madhuban. As regards delay in the trial of the suit, by the delay, the plaintiffs and not defendant No. 2 would suffer. For the reasons aforesaid, I find that the application (Annexure P-2) moved by the plaintiffs has been rightly allowed by the trial court. Impugned order of the trial court does not suffer from any perversity, illegality or jurisdictional error so as to warrant interference by this Court in exercise of power of superintendence under Article 227 of the Constitution of India. The revision petition is bereft of any merit and is accordingly dismissed in limine.