

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

C.R. No.111 of 2007
Date of Decision: 31.1.2008

M/s Bansal Trading Company and anotherPetitioners

Vs.

Gulzar Singh ...Respondent

....

CORAM : HON'BLE MR.JUSTICE RAJIVE BHALLA

Present : Mr.Raman Mohinder, Advocate for the petitioners.
Mr. M.K. Singla, Advocate for the respondent.

...

RAJIVE BHALLA, J (Oral)

Challenge in this revision is, to an order dated 30.11.2006 passed by the Civil Judge (Junior Division), Sunam, allowing the respondent's application for production of an expert, to examine the thumb impressions of the respondents on 'J' forms placed on record by both parties and the passbook etc.

Counsel for the petitioners contends that in all, there are 19 'J' forms on record, 14 produced by the petitioners and 5 relied upon by the respondent. It is further submitted that the respondent has averred in his plaint that 5 'J' forms were issued to him by the petitioners. Consequently, the respondent cannot be permitted to seek examination of thumb impressions, if any, existing on the 5 'J' forms, referred to in the plaint.

Counsel for the respondent states that though these 5 'J' forms are referred to in the plaint, their examination is essential, so as to enable the respondent to establish his claim.

I have heard learned counsel for the parties and perused the impugned order.

The learned trial Court, rightly permitted the respondent to examine a document expert in rebuttal, so as to establish the correctness or otherwise of the thumb impressions appearing on the 'J' forms and the passbook etc. However, the learned trial Court could not have allowed the prayer with respect to the 5 'J' forms, admittedly received by the respondent and produced by him during his evidence and specifically relied upon by the respondent in his plaint. The learned trial Court, therefore, erred in allowing the application in its entirety.

Consequently, the impugned order is modified to the extent that the report of the expert, which counsel for the parties state has already been submitted before the trial Court, shall be read to exclude the 5 'J' forms, relied upon by the respondent in his plaint.

With the aforementioned modifications, the present revision petition is disposed of accordingly.

31.1.2008
GS

(RAJIVE BHALLA)
JUDGE