

(1992) 09 P&H CK 0003

High Court Of Punjab And Haryana At Chandigarh

Case No: C.R. No. 3083 of 1990

Gurcharan Singh

APPELLANT

Vs

Raj Krishan

RESPONDENT

Date of Decision: Sept. 18, 1992

Hon'ble Judges: H.S. Bedi, J

Bench: Single Bench

Advocate: J.R. Mittal, with Surinder Garg, for the Appellant; Mani Ram, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

H.S. Bedi, J.

The petitioner who is a defendant in the suit moved an application dated 23rd July 1990 for sending the pronote and the receipt allegedly executed by him in favour of the plaintiff respondent to the Controller of Stamps and Security Press, Nasik, Maharashtra, for verification of the date on which the stamp was issued. The case of the petitioners was that the pronote and the receipt were forged and did not bear his signatures. The application was contested by the respondent and the trial court vide order dated 11.9.1990 dismissed the same holding that the objection with regard to the stamps appended to the pronote and the receipt which were said to be of a date later than one mentioned, was taken with a view to delay the disposal of the suit, as the evidence produced in the case showed that the petitioner had in fact taken loan mentioned in the pronote. This petition is directed against the order.

2. It was urged by Mr. J.R. Mittal, Sr. Advocate appearing for the petitioner that the findings recorded by the trial Court would prejudice his case at the time of its final disposal and that it was in the interest of justice that the application be allowed and the stamps on the pronote and the receipt be got examined from Nasik to ascertain their date of issue. He also asserted that the finding of the trial court that as the petitioner had sought to summon as the witnesses to prove his case, it appeared as

if intended to delay the proceedings, was unwarranted, as those very witnesses had been issued notice to appear by the same very court. He also asserted that most of the grounds taken by the Court for declining the application come before it on 12.9.1990 for the first time and as such the same could not form the basis of the order dated 11.9.1990.

3. On behalf of the respondent it has been urged that from the fact of the present case, it would be unnecessary to allow the application as the alleged signatures of the petitioner are appended on the stamp itself meaning thereby that the stamp already stood affixed on the documents, when the signature were made.

4. After hearing the Learned Counsel for the parties, I find no merit in the petition.

5. I have seen the pronote and the receipt in question and find that the signature of the person, who executed the pronote and the receipt, are appended on the stamp itself. The signatures having been denied by the petitioner, it would be left to the hand- writing expert to find out whether these were of the petitioner or not and for that purpose it would be wholly unnecessary to forward the case to Nasik. Admittedly, the stamps were appended on the pronote and the receipt at the time when the signatures were put on them and in that situation, it would be irrelevant to find out the date of the issue of the stamps. Mr. Mittal has also raised the contention that the trial Court has , in fact, gone into the merits of the controversy and recorded some findings which were not required on the facts of the case. The trial Court, has, however, stated in the order itself that the observations made, would not effect the merits of the case. I hope that these observations will be kept in view by the trial Court at the time of the final hearing of the case.

6. With the observations made above, the Petition being devoid of any merits, it is dismissed with no order as to costs. The parties are directed to appear before the trial Court on 30.10.1992. The office will ensure that the trial Court record, which is in this Court, be returned to it expeditiously.