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(1999) 07 P&H CK 0031

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 2447 of 1997

Narinjan Singh		APPELLANT
	Vs	
Balwinder Kaur and Others		RESPONDENT

Date of Decision: July 6, 1999

Citation: (2000) 1 ACC 242 : (1999) 123 PLR 289

Hon'ble Judges: N.C. Khichi, J

Bench: Single Bench

Advocate: Maharaj Kumar, for the Appellant; C.B. Goel, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

N.C. Khichi, J.
This revision petition has been filed for quashing the impugned order dated 29.5.1997 passed by the learned Motor Accidents Claims Tribunal, Karnai whereby the evidence of petitioner who was respondent. No. 2 in the claim petition was closed and his application for comparison of his signatures was declined.

2. A claim petition No. 69 of 1994 under the Motor Vehicles Act has been filed by claimants i.e. respondents No. 1 to 5 alleging involvement of Tractor No. HRH-2702 against Kulwinder Singh alias Pappu, respondent No. 6 being driver, owner and Supurdar of the said tractor. The petitioner Narinjan Singh, the previous owner of the tractor, which had been sold to Kulwinder Singh alleging to be the registered owner of the said tractor, was impleaded as respondent No. 2, before the Tribunal.

3. It is alleged that Kulvinder Singh respondent has engaged Shri S.L Nirwania, Advocate to defend his case. One Shri Pardeep Kumar, a Junior of Shri S.L. Nirwania, Advocate, without seeking any instruction from the present petitioner filed a Power of Attorney not signed by him. He also filed written statement on behalf of the petitioner. Having come to know of the filing of the written statement on behalf of

the petitioner by Shri Pardeep Kumar, Advocate not engaged and instructed by the petitioner, an application was made by the petitioner before the Tribunal for comparison of the signatures on the power of attorney and written statement so filed by an Expert who was present in the Court.

4. Counsel for the parties have been heard.

5. It is evident from the averments made in para No. 4 of the revision petition that respondent No. 2 now petitioner sold the tractor to Kulvinder Singh respondent No. 6 before the accident. Written statement was filed by Shri G.S. Virk, Advocate, on behalf of Narinjan Singh and in the interval period another written statement was filed by Shri Pardeep Kumar who is junior to. Shri S.L. Nirwania, on behalf of the petitioner alleging to be his duly authorised agent.

6. The learned counsel for the petitioner has submitted that in the written statement filed by Shri Pardeep Kumar, Advocate, wrong averments adverse to the interest of the petitioner have been made and as such it was just and proper to prove by way of comparison of signatures of the petitioner that the said Advocate was never authorised to appear on his behalf. As is evident from the avermerits made in the revision petition, a written statement had already been filed by Shri G.S. Virk, Advocate on behalf of the petitioner and the subsequent written statement alleging to be on behalf of the petitioner was filed by another counsel. The petitioner denies his signatures on the written statement as well as on the power of attorney, as such it was desirable to afford him a reasonable opportunity to prove his version by way of comparison of his specimen signatures with those appearing on the power of attorney and the written statement. Considering all the facts and the circumstances of the case, this revision petition is accepted and the impugned order is set aside. The petitioner is allowed to lead evidence in support of his version. However, it is made clear that the petitioner shall produce the expert evidence at his own responsibility on the date fixed by the Tribunal for the evidence, which shall be the last opportunity for expert evidence. The parties through their counsel are directed to appear before the Tribunal on 26.7.1999.