

IN THE COURT OF SH. SANJAY, HCS, CIVIL JUDGE
(JR. DIVISION), CHANDIGARH.

Case No. 827/2015

Date of Order: 29.09.2021

Pending for : 27.10.2021

Vasdev Singh Versus Inder Dev Singh and Others

APPLICATION for permission to take photographs of the documents Ex. P-28 and Ex. P-29 and signatures of the plaintiff on the plaint and Vakalatnama by the handwriting expert.

Present:- Sh. Vikas Jain, Counsel for Plaintiff
Sh. Vaneesh Khanna, Counsel for Defendant no. 1 to 3
Ms. Preeti Nigam, Counsel for Defendant no. 2
Defendant no. 4 and 5 exparte
Defendant no. 6 in person
Sh. Ashwani Talwar, Counsel for defendant no. 7
Sh. SC Mehta, Counsel for Defendant no. 8 and 9
Sh. Vansh Malhotra, Counsel for Defendant no. 10
Name of defendant no. 11 is deleted

ORDER:-

1. This order of mine shall dispose of application for permission to take photographs of the documents Ex. P-28 and Ex. P-29 and signatures of the plaintiff on the plaint and Vakalatnama by the handwriting expert.

2. Learned counsel for the applicant submitted that he be permitted to examine the signature of the plaintiff by the handwriting expert. Applicant has questioned the validity of the document on the ground that plaintiff was not in India and document was not executed by him. Therefore, comparison of signature is necessarily required for

Sanjay, CJ(JD)/Chandigarh.

proving that GPA was never executed by the plaintiff. Hence, it is requested that the present application be allowed.

3. Whereas on the other hand, learned counsel for the plaintiff/respondent submitted that the plaintiff has taken a stand during cross-examination of defendant no. 1 that the plaintiff was not present when the alleged GPA was executed. The present application is nothing but abuse of process of law and filed just to delay the proceeding of the court, therefore, the present application liable to be dismissed.

3. By virtue of present application, the defendants/applicant wants to examine signature of plaintiff on the GPA for proving that the same was not executed by him. Whereas in his reply, learned counsel for the plaintiff himself fairly conceded that the plaintiff has already taken a stand that he was not present in India when the alleged GPA was executed by the plaintiff. He himself suggested to the defendant that GPA does not bear his signature. Therefore, that means defendants wants to examine the documents which has already been denied by the plaintiff. Defendant also conceded that document was not executed by the plaintiff. Plaintiff also fairly submitted that he was out of India when GPA was executed. Therefore, that means there is clear admission of plaintiff that GPA was not executed by him. It is settled law that admission is the best piece of evidence. Once plaintiff himself denied the execution of documents. Therefore, defendant cannot be allowed to examine handwriting expert for proving the fact which has already been admitted by the plaintiff. The applicant wants to prove that GPA was not executed by the plaintiff by examining handwriting expert but plaintiff himself admitted that

Sanjay, CJ(JD)/Chandigarh.

document was not executed by him. Therefore, in such circumstances it will sheer wastage of court time because there is clear admission of the plaintiff that document was not executed by him.

4. Therefore, in view of the above discussion, the present application stands dismissed.

Dated:29.09.2021
Manju

(Sanjay)
CJ(JD)/Chandigarh
UID No. HR0391

Sanjay, CJ(JD)/Chandigarh.

Vasdev Singh Versus Inder Dev Singh and Others

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Sh. Vaneesh Khanna, Counsel for Defendant no. 1 to 3
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Arguments heard on application for directing the plaintiff place on record attested copy of his passport and application for permission to take photographs of the documents and signatures of the plaintiff on the plaint and Vakalatnama by the handwriting expert. Vide separate order of even date, both the applications stands dismissed. Now case is adjourned to 27.10.2021 for defendant evidence.

Dated:29.09.2021
Manju

(Sanjay)
CJ(JD)/Chandigarh
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Sanjay, CJ(JD)/Chandigarh.

Sanjay, CJ(JD)/Chandigarh.