



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CR-6303-2025 (O&M)

Date of Decision:-17.09.2025

PANKAJ KAPOOR AND ANOTHER

... Petitioners

Versus

MAHINDER SINGH AND OTHERS

... Respondents

-.-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Lupil Gupta, Advocate,
for the petitioners.

VIRINDER AGGARWAL, J. (Oral)***CM-19066-CII-2025***

Allowed, subject to just all exceptions.

Main case

1. The petitioners while seeking supervisory jurisdiction of this Court under Article 227 of the Constitution of India have filed the present revision petition against the order dated 27.08.2025 (*for short, 'impugned order'*) passed by the learned Additional Civil Judge (Senior Division), Jalalabad (*for short, 'learned trial Court'*), *vide* which, the learned Civil Judge has dismissed the application moved by the petitioners while issuing directions to Dayal Singh s/o Mahinder Singh/respondent No.1 to appear and to furnish specimen/standard signatures as well as handwriting for comparison and for permission to the Handwriting Expert to inspect the file and to take photographs and to submit report on the grounds that Dayal Singh is son of Mahinder Singh/respondent No.1 and was employee at the shop of father of the petitioners No.2 to 4. The business of M/s K.K. Traders and M/s Mohinder Singh Bag Singh was joint with the father of the petitioners and Dayal Singh and due to that reason, blank signed cheques used to remain available at the shop and in the custody of Dayal Singh. Dayal Singh was working as an



Accountant of M/s K.K. Traders and was partner with Surinder Pal Kapoor. He was maintaining the books of accounts of both the firms.

2. After death of Surinder Pal Kapoor, blank signed cheques have been misused by the plaintiffs/respondents in connivance with Dayal Singh s/o Mahinder Singh/respondent No.1. Suit for recovery was filed by respondent/plaintiff on the basis of cheque bearing No. 655320 of 18.07.2020 for Rs.7,00,000/- and the said suit was contested by the petitioners alleging that they have not taken any loan from respondents/plaintiffs and have not handed over any post dated cheque of the loan amount and the cheque in question has been misused by respondent/plaintiff in connivance with his son-Dayal Singh, who was an employee with father of the petitioners and blank signed cheques used to be available at the shop during the course of business. An application was moved by the petitioners before the learned trial Court to summon Dayal Singh and directing him to provide specimen/standard signatures as well as handwriting sample for comparison with the books of accounts of the firm M/s K.K. Traders i.e. cheque book issue register, cheque book filled indexes and other relevant documents for their comparison by the Handwriting Expert for his opinion. The said application was contested by the respondent/plaintiff and the same was declined *vide* impugned order. The learned trial Court has recorded its findings in Para 5 and 6 of the impugned order, which is reproduced as under:-

“5. The Instant application has been filed by the defendant seeking direction of this Court to summon the son of the plaintiff- Dayal Singh to remain present in the Court for the purpose of giving specimen signatures to compare the same with the signatures appearing on (already exhibited) documents as mentioned in the application. The contention of the applicant is that the plaintiff while appearing in the witness box denied his son be working as accountant or remain partner with the Predecessor of the defendants, whereas the fact of the matter is Dayal Singh was having blank signed cheque’s of



Predecessor of defendants being the accountant/partner, and by misusing the same, has filed the instant suit in connivance with his father (plaintiff).

6. *However, this Court is of the considered opinion that the said person Dayal Singh, is not the party to this case. As such, no direction can be given to a person, who is not the party to the lis, to come present in the court to give his specimen signatures for comparison purposes. This Court cannot extend any assistance to the applicant to prove his line of defence, more particularly, when the proposed evidence is to be collected from someone who is not the party to the lis. The applicant can explore other methods to prove his plea. This application is devoid of merits and the same stands dismissed”.*

3. Perusal of the impugned order, application and other documents available on record clearly shows that the stand of the petitioners/defendants is that the blank signed cheque has been misused so the signatures on the cheque in question has already been admitted. So getting signatures of Dayal Singh or his handwriting samples would not serve any purpose.

4. Counsel for the petitioner submitted during the course of arguments that by doing so, he would prove that Dayal Singh was working at the shop of father of the petitioners. He further submitted that the learned trial Court has declined the application on the grounds that Dayal Singh is not a party to the suit and he cannot be compelled to provide the specimen handwriting or signatures.

5. After considering the material on record, I am of the considered opinion that the order dated 27.08.2025 passed by the learned trial Court is well-reasoned. The Court below has not committed any material illegality by not exercising the jurisdiction vested in it by allowing the application moved by the petitioner, as such, finding no merit in the present revision petition, the same is dismissed.



6. Pending application(s), if any, is/are disposed of accordingly.

17.09.2025

S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No