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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-378-2025

Date of decision:-22.01.2025

Pala Ram (since deceased) through his legal heirs/representatives

...Petitioners

Versus

M/s Jamna Dass Puran Chand and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** : Mr. Suresh Kumar Kaushik, Advocate
for the petitioners.

SUVIR SEHGAL, J.(ORAL)

1. Impugning order dated 03.01.2025, Annexure P5, passed by the learned Civil Judge (Sr.Divn.), Kaithal, petitioners - defendants have approached this Court by way of instant revision petition filed under Article 227 of the Constitution of India.

2. Counsel for the petitioners' has urged that the Trial Court has erred in refusing to grant permission to call for a report from a handwriting and fingerprint expert regarding the thumb mark of petitioners' father on the BAHI entries maintained by respondent No.1 – plaintiff. It has been contended that a suit for recovery has been filed on the basis of entries in the accounts maintained by respondent No.1, which are alleged to be thumb marked by the deceased father of the petitioners'. Claiming that as the thumb marks are forged, a forensic



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expert's report is necessary in order to determine the controversy.

3. I have heard counsel for the petitioners and considered his submissions.

4. Respondent No.1 – plaintiff filed a suit for recovery of Rs.13,11,325/- along with interest on the averment that Pala Ram, father of the petitioners, had a running account and respondent No.1, who is a commission agent had advanced money to him. An amount of Rs.13,11,325/- is claimed to be due from Pala Ram as on 28.02.2008, after adjusting the price of the crops sold by him. A legal notice, by registered post, was sent, to which he did not respond. Upon being served, Pala Ram filed a written statement wherein he contested the suit. A plea was taken that as he is illiterate, his thumb impression was obtained in good faith on some entries and respondent No.1 is misusing the thumb impression. It was denied that such a huge amount was ever borrowed by him. Pala Ram expired during the pendency of the suit and after his death, his legal representatives filed an application, Annexure P3, for permission to examine a handwriting expert, which has been declined vide order impugned herein.

5. A perusal of the stand taken by Pala Ram in his written statement shows that he had admitted thumb impressions on the account books maintained by respondent No.1. The petitioners, who are his legal representatives and have stepped into his shoes, are now taking a conflicting stand and are attempting to wriggle out of the admission made by their father. As the thumb impressions stand admitted by Pala Ram, the petitioners cannot be permitted to adduce evidence to take a



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totally contrary stand. The application for examination of a forensic expert has been rightly declined by the Trial Court. No interference is called for in the impugned order.

6. Revision petition is devoid of merit and is dismissed with no order as to costs.

22.01.2025

Brij

(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No