



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

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CR-1435-2025 (O&M)  
Date of Decision: 10.03.2025

Rupinder Singh and another ...Petitioners  
V/s  
Surinderjit Singh Mathauda (deceased) through LRs ...Respondent

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Ibadat Singh Randhawa, Advocate, for the petitioners.

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**VIKRAM AGGARWAL, J (ORAL)**

The present revision petition is directed against the order dated 08.01.2025 (Annexure P-1) passed by the Court of learned Civil Judge (Jr. Divn), Kharar, vide which the application filed by the petitioners for examining a handwriting and fingerprint expert to take photographs of disputed and standard signatures of Surjinderjit Singh for comparison was dismissed.

2. A suit for declaration that the petitioners-plaintiffs were owners in joint possession of half share of the suit land (fully described in the plaint) situated in Village Tirpari, HB No.191, Tehsil Kharar, District SAS Nagar Mohali was filed by the petitioners-plaintiffs. The said suit was opposed by way of written statement (Annexure P-3). An application (Annexure P-7) was moved by the petitioners-plaintiffs to examine a handwriting and fingerprint expert to take photographs of disputed and standard signatures of Surjinderjit Singh for the purposes of comparison. The same was opposed by way of



reply (Annexure P-8) and has been dismissed vide the impugned order (Annexure P-1) leading to filing of the present revision petition.

3. Learned counsel for the petitioners submits that the legal representatives of the respondent-defendant have now denied that Surinderjit Singh had ever signed a document in question as a result of which it would be essential to examine an expert. He submits that under the circumstances, the order passed by the trial Court is not sustainable.

4. I have considered the submissions made by learned counsel for the petitioners but find the same to be devoid of merit.

5. In the plaint (Annexure P-2), the case set up was that an oral family settlement had been arrived at and the said fact has been endorsed by the respondent-defendant (Surinderjit Singh and Rattan Kaur) who had given sworn affidavits dated 17.06.1998 and 21.11.1998. Certain other averments were made;

*“3. That in the year 1998 during the lifetime of Sukhwant Singh his mother Rattan Kaur and defendant Surinderjit Singh entered into a oral family settlement and in the settlement Surinderjit Singh defendant and their mother Rattan Kaur agreed to give up their claim in the tubewell having electric connection for agricultural purpose bearing account no. B.D. 376/A,P. which was standing in the name of Harkarnail Singh father of plaintiff no.1 and defendant no.1 and husband of Rattan Kaur. The said fact endorsed by Surinderjit Singh and Rattan Kaur by given a Sworn affidavit dated 17.06.1998. Similarly in the said family settlement Surinderjit Singh defendant no.1 also agreed to give 1/2 share of land bearing khasra no.14//2/2/2(2-3) and 14//3/2(5-6) kite 2 area 7K-9M situated in village Tirpari, Tehsil Kharar, District S.A.S. Nagar (Mohali) to Sukhwant Singh father of plaintiff no.1 and father in law of plaintiff no.2 and also agreed that in the event of consensual sale 1/2 share of the sale consideration shall be paid by him to Sukhwant Singh. AS a memorandum of the above said settlement Surinderjit Singh*



*defendant gave an affidavit on 21.11.1998 admitting the 1/2 share of Sukhwant Singh in the suit property.”*

6. In the written statement, a stand was taken that the affidavits had been prepared on blank papers on which signatures had been obtained by Sukhwant Singh on the pretext that the same would be required in a litigation and since Surinderjit Singh had no doubt over the integrity of his real brother, the same was signed and given to him;

*“3. That the contents of this para of the plaint are incorrect hence denied and it is worth mentioning here that defendant was working as a professor at Ludhiana and was not in a position to pursue litigation initiated against state of Punjab, and as such Sukhwant Singh undertook to pursue the same and for the said purpose Sukhwant Singh obtained signatures on blank papers and stamp papers on the pretext that same would be required in the litigation mentioned above and having no doubt on the integrity of his real brother ,defendant signed the same and as such both the documents as alleged in this para are false and fabricated documents and same have been prepared on the blank signed stamp papers which were obtained by misrepresentation defendant ever Sukhwant Singh and at no point under of a time relinquished his rights in the electric connection and it is further specifically denied that the defendant agreed to transfer half share in the suit property to deceased Sukhwant Singh or ever agreed to share half of the sale a consideration in the event of consensual sale as alleged in this para.”*

7. Once the signatures were admitted, there would be no occasion to summon an expert to take photographs of the signatures and to compare them with the standard/admitted signatures. Merely because the legal representatives of the respondent-defendant have denied his signatures while appearing as witnesses would not *ipso facto* lead to the conclusion that an expert would be required to be examined. Under the circumstances, no



illegality was committed by the learned trial Court in dismissing the application filed by the petitioner.

8. In view of the above, I do not find any illegality or jurisdictional error in the impugned order warranting interference in the present revision petition and the same is accordingly dismissed.

Pending application(s), if any, shall also stand disposed of.

**(VIKRAM AGGARWAL)**  
**JUDGE**

**March 10, 2025**

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No