



CR-6670-2025 (O&M)

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

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**CR-6670-2025 (O&M)
Decided on :- 19.09.2025**

M/s Comfort Zone (Sleepwell Exclusive Gallery)
and Another

...Petitioners

VERSUS

Harpal Singh and Another

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Shivam Garg, Advocate for the petitioners.

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MANDEEP PANNU J.

1. The present civil revision petition under Article 227 of the Constitution of India has been directed against the orders dated 15.07.2025 and 08.09.2025 passed by the learned Civil Judge (Junior Division), Patiala. By order dated 15.07.2025, the application moved by the plaintiffs/petitioners for sending the vakalatnama (Ex. PX) to a handwriting expert for comparison of signatures of defendant no.2 was dismissed. By the subsequent order dated 08.09.2025, the application moved by the petitioners for amendment of the plaint to incorporate the plea regarding alleged forgery of signatures and for consequential relief of examination by an expert was also dismissed. Both orders are assailed in the present revision petition.

2. The brief facts are that the plaintiffs filed a suit for recovery of ₹52,000/- on the allegation that defendant no. 1 purchased a mattress from their shop on credit and the delivery was acknowledged by defendant no. 2, who signed



the duplicate invoice. It is their case that despite notice, the defendants failed to make payment. Written statement was filed and issues were framed. Evidence of the plaintiffs was concluded and the matter reached the stage of defendants' evidence. At that stage, during the course of recording the statement of DW-1 Harpal Singh, the petitioners moved the application for sending the vakalatnama filed by defendant no. 2 to a handwriting expert, alleging that the signatures on the same were forged and fabricated, and that defendant no. 2 had knowingly submitted the false document in Court. It was further prayed that defendant no. 2 be summoned in person to furnish specimen signatures. Thereafter, the petitioners also sought amendment of the plaint to incorporate this plea, so as to lay a foundation for examination of the handwriting expert.

3. Learned counsel for the petitioners has argued that the Court below erred in dismissing the said applications. It is contended that for the purpose of effective cross-examination of the defendants, it is essential to examine a handwriting expert on Ex.PX, and the plaintiffs should have been permitted to amend the plaint accordingly. It is further submitted that the suit was still at the stage of defendants' evidence and no prejudice would have been caused to them by allowing the examination of an expert. It is urged that the trial Court has wrongly declined the petitioners' request and has forced them to proceed without such opportunity, thereby prejudicing their case.

4. I have considered the submissions of learned counsel for the petitioners and carefully perused the record. The suit is one for recovery based on an invoice issued by the plaintiffs showing delivery of a mattress to defendant no. 1, with acknowledgment of receipt by defendant no. 2. The real controversy in the suit thus centres around whether the mattress was purchased on credit by



defendant no. 1 and whether the amount remains unpaid. The execution or genuineness of the vakalatnama filed by defendant no. 2 in the Court proceedings is wholly collateral and irrelevant to this controversy. Even assuming for argument's sake that signatures on the vakalatnama are disputed, such dispute has no bearing on the determination of whether the plaintiffs supplied goods and whether payment was made. The trial Court has, therefore, rightly held that no issue arises on this point, nor was any such plea ever raised in the original plaint.

5. As regards the prayer for amendment, it is equally clear that permitting the plaintiffs to amend the plaint at this belated stage to introduce allegations of forgery in respect of the vakalatnama would have the effect of enlarging the scope of the litigation and diverting it to a wholly collateral inquiry unrelated to the claim for recovery of price of goods. Such amendment would necessarily reopen the evidence of the plaintiffs and cause delay. More importantly, it would fundamentally alter the nature of the suit, which was originally confined to a simple claim for recovery of money under an invoice. The trial Court has correctly exercised its discretion in refusing such amendment.

6. The plea of the petitioners that examination of the expert is necessary for effective cross-examination of the defendants is also misconceived. Cross-examination must be directed to the issues arising from the pleadings. The genuineness of the vakalatnama is not in issue. Allowing an expert examination at this stage would serve no useful purpose in resolving the actual dispute between the parties but would only prolong the trial and cause harassment to defendant no. 2, who is admittedly residing abroad.

7. On the totality of circumstances, the applications filed by the petitioners were frivolous and intended more to delay the proceedings than to



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advance their case on merits. Both the orders dated 15.07.2025 and 08.09.2025 passed by the learned Civil Judge (Junior Division), Patiala are well reasoned and do not suffer from any illegality or perversity warranting interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

8. The revision petition is, accordingly, dismissed.
9. Pending application(s), if any, also stand disposed of.

September 19, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No