



CR-6710-2025 (O&M)

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

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**CR-6710-2025 (O&M)
Decided on :- 22.09.2025**

Bhola Singh

...Petitioner

VERSUS

Rachpal Singh and Others

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Satvir Singh, Advocate for the petitioner.

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MANDEEP PANNU J.

1. The present civil revision petition has been filed under Article 227 of the Constitution of India assailing the order dated 01.08.2025 passed by the learned Civil Judge (Junior Division), Baghapurana, whereby the application filed by the plaintiffs–respondents No.1 to 24 directing defendant–petitioner Bhola Singh to give his signatures in Punjabi was partly allowed.

Brief facts

2. The plaintiffs–respondents instituted a suit for permanent injunction restraining defendant No.1 Bhola Singh from alienating the suit property and restraining defendant No.2 from taking possession of the suit house. The case set up was that Asha Singh was the original owner and after his death, the plaintiffs executed a writing dated 27.11.2007 in favour of defendant No.1 regarding possession of the house, which also contained a recital that defendant No.1 would not alienate the property. It was alleged that defendant No.1, taking undue advantage of possession, was now threatening to alienate the property to defendant No.2, who was trying to take possession illegally.



3. Upon notice, defendants appeared and filed written statements, asserting that defendant No.1 had already sold the property to defendant No.2 vide registered agreement dated 12.07.2023, possession having also been delivered.

4. During evidence, the plaintiffs moved an application seeking directions to defendant No.1 to give his signatures in Punjabi in Court for comparison with the writing dated 27.11.2007 (Ex.P3) and with an entry in the attendance register of Government Senior Secondary School, Smalsar, produced by PW5. The stand was that Bhola Singh had wrongly pleaded that he only signs in English, whereas he had signed in Punjabi earlier.

5. The petitioner opposed the application, contending that the alleged writing was irrelevant, being a photocopy, and had no bearing on the relief of injunction sought in the suit.

6. The learned Civil Judge, vide the impugned order dated 01.08.2025, partly allowed the application, directing defendant No.1 to give his signatures in Punjabi, while declining the prayer to allow comparison of such signatures with the disputed writing at that stage.

Submissions of Learned Counsel for the Petitioner

7. It was argued that the order of the learned Civil Judge is wholly unsustainable. The suit is for permanent injunction, and the alleged writing dated 27.11.2007 is not the foundation of the suit. The plaintiffs are required to prove their case independently. Directing defendant No.1 to give his signatures in Punjabi serves no purpose, particularly when the document in question is only a photocopy and not an original, which in law cannot be subjected to comparison. It was further argued that obtaining signatures of the petitioner without any corresponding legal purpose amounts to harassment and an irrelevant exercise.

**Consideration**

8. Having considered the matter, this Court finds merit in the submissions of the learned counsel for the petitioner.

9. The suit filed by the plaintiffs is for permanent injunction restraining defendant No.1 from alienating the suit property and defendant No.2 from taking possession. The controversy, therefore, is whether defendant No.1 is lawfully entitled to alienate the property and whether the plaintiffs can restrain such alienation. The alleged writing dated 27.11.2007, even if assumed to exist, does not directly confer title on the plaintiffs, nor does it form the foundation of the relief sought. At best, it is a collateral piece of evidence which may be looked into if properly proved. However, it cannot enlarge the scope of the injunction suit.

10. Further, the direction issued by the trial Court to defendant No.1 to furnish his signatures in Punjabi, without simultaneously allowing comparison with any original admitted or disputed writing, is meaningless. The order merely requires defendant No.1 to sign, but does not clarify how such signatures would advance the adjudication of the dispute. Such an exercise serves no judicial purpose.

11. It is well settled that photocopies cannot be used for handwriting or signature comparison under the Indian Evidence Act. The plaintiffs themselves have relied upon a photocopy of the writing dated 27.11.2007, which in law cannot be compared by an expert. Therefore, directing defendant No.1 to provide fresh signatures for comparison with a photocopy is legally impermissible.

12. The impugned order, instead of clarifying the controversy, introduces confusion by compelling the defendant to sign without any lawful necessity. The power of the Court to direct a party to furnish specimen signatures is to be



CR-6710-2025 (O&M)

-4-

exercised cautiously and only when relevant and essential for proper adjudication.

In the present case, such direction has no nexus with the real controversy, which is confined to the relief of injunction against alienation.

13. It also deserves to be noticed that the learned Civil Judge, while allowing the application partly, observed that “as per law well settled” the opposite party can be directed to furnish signatures, but no statutory provision or judicial precedent was either cited or relied upon to support such proposition. Such a casual reference to “well settled law” without identifying the legal basis reflects non-application of mind and renders the order vulnerable. Judicial directions must rest on identifiable principles of law and not on vague assertions.

Conclusion

14. In view of the above discussion, this Court is of the considered opinion that the impugned order dated 01.08.2025 passed by the learned Civil Judge (Junior Division), Baghapurana, is legally unsustainable. The order compelling the defendant–petitioner to give his signatures in Punjabi is wholly irrelevant to the subject matter of the suit and is without jurisdiction. The application of the plaintiffs ought to have been dismissed in its entirety.

15. Accordingly, the civil revision petition is allowed. The impugned order dated 01.08.2025 is hereby set aside. The application filed by the plaintiffs–respondents for directing the petitioner to furnish his signatures in Punjabi stands dismissed.

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

September 22, 2025
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(MANDEEP PANNU)
JUDGE

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