

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

**Civil Revision No.1449 of 2015 (O&M)
Date of decision: 13.08.2015**

Shiv Ram

.....Petitioner

Versus

Ami Chand and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Johan Kumar, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 09.12.2014 (Annexure P-11) passed by the Civil Judge (Junior Division), Palwal, whereby application filed by plaintiff-petitioner under Section 151 CPC for permission to get compared his signatures on the written statement, vakalatnama and statement dated 21.07.1991 by handwriting and finger prints expert, has been dismissed.

In the present suit, plaintiff-petitioner has challenged the judgment and decree dated 29.07.1991 on the ground of fraud after a gap of almost 22 years. The dispute in the present case is between real brothers, who are sons of Har Chandi, resident of village Badha, Tehsil and District Palwal. As per consent decree dated 29.07.1991 (Annexure P-8), all the brothers had agreed that the plaintiff would be owner to the extent of 1/40th share out of the land as detailed in para No.1 of the plaint.

The present suit challenging the consent decree dated 29.07.1991

has been filed by the plaintiff-petitioner in the year 2012 i.e. after a gap of

more than 20 years.

Learned counsel for the petitioner has argued that the petitioner could not sign in English, as he was only 4th class pass. If that is the situation, then today also he cannot sign in English and get it compared by the documents, which were allegedly signed by him in the year 1991. Moreover, the trial Court while dismissing the application, has rightly observed that after a gap of 20 years, there would not be contemporaneous signatures for comparison with the disputed signatures and no useful purpose would be served by getting the disputed signatures compared with the present signatures of the plaintiff-petitioner. Possibility that the petitioner will disguise his style of signatures after a period of 20 years, could also not be ruled out.

Accordingly, after going through the impugned order, no illegality, much less perversity has been found therein warranting interference by this Court in exercise of its revisional jurisdiction.

Dismissed.

13.08.2015
ajp

(RITU BAHRI)
JUDGE