

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

**CR No.3044 of 2013
Date of decision : 07.09.2015**

Davinder Pal Singh

...Petitioner

versus

Rajinder Pal Kaur & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

Mr. N.K.Manchanda, Advocate for the respondents.

RITU BAHRI, J

The petitioner/defendant No.1 has come up in revision against the order dated 20.03.2013 passed by the Civil Judge (Jr. Divn.), Faridkot (Annexure P-1) whereby the application moved for withdrawal of the written statement dated 28.02.2012 to recall the compromise placed on the file on 15.02.2012 has been dismissed.

Ajmer Singh is the father of the plaintiff and defendants No.1/petitioner and defendant No.2. Ajmer Singh had executed a lawful and valid Will dated 31.08.1992 registered on 31.08.1992 in favour of defendants No.1 and 2. Mutation No.2255 was entered and sanctioned in favour of defendants No.1 and 2 on the basis of said Will. The petitioner/defendant No.1 was married to one Paramjit Kaur daughter of Balwinder Singh. His relations with his wife and parents were not cordial. Parents of Paramjit Kaur pressurizing defendant No.1 to

transfer his land in favour of his wife Paramjit Kaur. Defendant No.1 was not on good terms with his brother and his wife as they had filed a civil suit against him claiming charge on his property. In the above background, one Jasbir Kaur wife of Dalbir Singh developed relations with him and in an attempt to protect him from his in-laws and his wife had obtained his signatures on various papers including blank stamp papers. The plaintiffs in the suit who are his real sisters in February, 2012, took him at their residence and kept him there for two months. He was served with intoxicant and medicines and various papers were got signed from him. Sisters of the petitioner/defendant No.1 Rajinderpal Kaur and Joginderpal Kaur filed a civil suit for declaration that the plaintiffs are owners in possession of the land measuring 85 kanals and 10 marlas and the plaintiffs had 1/4th share each and the will mutation was null and void. Under the influence of the sisters, he had filed the written statement in the suit filed by them. The case of the petitioner/defendant No.1 was that under influence of his sisters, he had contested the suit and filed the written statement. In the written statement which was filed on 07.05.2012, reference was made to one compromise by which he had given his share to his sisters. The petitioner/defendant No.1 had never engaged Sh.Kapil Sagoonja, Advocate nor gave any instructions and the compromise was a result of fraud and misrepresentation. By engaging Sh.Jatinder Bansal, Advocate, he made an application for withdrawing the said written statement and permission to file fresh written statement on the lines of

defendant No.2 on the basis of will dated 31.08.1992, which has been executed in favour of defendants No.1 and 2 by their father Ajmer Singh. This application of the petitioner/defendant No.1 has been rejected by the trial Court on the ground that the allegations of petitioner/defendant No.1 that his signatures were taken by Jasbir Kaur on some blank papers and thereafter misused the same, are not believable. Moreover, the vakalatnama dated 15.02.2012 in favour of Sh.Kapil Sahooja, Advocate, bears his signatures and on an earlier occasion he engaged Sh.Varinder Pal Singh Brar, Advocate. As per the vakalatnama dated 10.01.2012, he had engaged Sh.Varinder Pal Singh Brar, Advocate. Both the vakalatnamas were having his signatures as well as defendant No.3-Jasbir Kaur. An attempt has been made by defendant No.1 to withdraw from the admissions made by him in the written statement. The petitioner/defendant No.1 was not able to show as to when he came to know about the pendency of the suit in which a wrong written statement has been filed by the him. Further it has been observed that the petitioner/defendant No.1 was not able to show as to how defendant No.3-Jasbir Kaur had obtained his signatures on blank papers and there was no evidence to show as to how he had engaged a new counsel and the earlier two counsel Sh.Varinder Pal Singh Brar, Advocate and Sh.Kapil Sahnooja, Advocate. In the absence of denial of his signatures on the vakalatnamas issued in favour of Sh.Varinder Pal Singh Brar, Advocate and Sh. Kapir Sahnooja, Advocate, his mere statement that he was simply an illiterate person and had not authorised

the counsel to make the written statement with regard to compromise and he had been introduced with undue pressure to sign the written statement dated 07.05.2012 with regard to compromise is unbelievable. The petitioner/defendant No.1 had engaged the above said counsel and subsequently he changed his mind and engaged Sh. Jatinder Bansal, Advocate who was present counsel in the application to withdraw the written statement. The above facts had not made out the case that he was a simpleton person and illiterate person and had not aware about the proceedings and the trial Court had rightly dismissed the application vide impugned order. There is no merit in the revision.

Dismissed.

07.09.2015

Vinay

(RITU BAHRI)
JUDGE