

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 4860 of 2015
Date of Decision: 04.8.2015.**

Sarvan Kumar

.....Petitioner

Versus

Kuldeep Malik and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sudhir Aggarwal, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 09.7.2015 (Annexure P-5) whereby application moved by the petitioner for permission to take photographs of the disputed signatures of defendants Kuldeep Malik and Ashok Kumar on the application for demarcation as well as on the warrant of possession after summoning the case file, was dismissed.

Learned counsel for the petitioner has submitted that it had been averred by the petitioner in para 4 of the plaint that defendants No. 17 and 18 had got the land demarcated fraudulently from the Field Kanungo. The fact that defendants No. 17 and 18 had filed an application for partition was not denied by them in their written statement. However, while appearing in the witness box defendant No. 18 denied his signatures on the application for demarcation. Hence, it was necessary to get the

signatures of defendants No. 17 and 18 compared with the signatures appended by them on the application for demarcation as well as on memo of presence attached with the file of warrant of possession.

In the present case, petitioner has filed suit for permanent injunction. When the case was listed for rebuttal evidence, petitioner moved an application (Annexure P-3) for permission to take photographs of the disputed signatures of defendants No. 17 and 18 on the application for demarcation as well as on the warrant of possession after summoning the case files. The learned Trial Court rightly dismissed the application moved by the petitioner as the same had been filed at a belated stage. Moreover, defendants No. 17 and 18 in their written statement (Annexure P-2) have stated in para 4 as under:-

“Defendant no. 17 and 18 filed an application for partition in the Court of A.C. 1st Grade, Farukh Nagar and the suit land was partitioned by the Court of A.C. 1st Grade, Farukh Nagar.”

In view of the said stand taken by defendants No. 17 and 18 in their written statement, the application moved by the petitioner was liable to be dismissed.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

August 04, 2015
Gurpreet