

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

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Civil Revision No.1127 of 2017

Date of Decision:17.02.2017

Gurmeet Kaur

....petitioner

Versus

Late Gurnam Singh (deceased) th.LRs and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.BP.S.Dhaliwal, Advocate
for the petitioner

ARUN PALLI, J. (ORAL):

Vide order, being assailed, dated 29.01.2016 rendered by the Civil Judge(Jr.Divn.), Khanna, evidence of the plaintiff-petitioner has since been closed by order and even an application to review the said order has also been dismissed, vide order dated 09.01.2017.

Records show that the plaintiff-petitioner was afforded as many as 18 effective opportunities, but she failed to conclude her evidence. In fact, on 22.01.2016, she suffered a statement that she will conclude her evidence on the next date i.e.29.01.2016, but to no avail. Which is why, the trial Court was constrained to observe that the plaintiff-petitioner was only trying to delay the proceedings on one pretext or the other. Not just that, the plaintiff-petitioner never assailed the order dated 29.01.2016 for almost a year, and then moved an application for review of the said order.

And, that is how, vide order dated 09.01.2017, on an analysis of the matter and the material on record, the trial Court held;

“Furthermore, it is evident from the application moved by the plaintiff Gurmeet Kaur for examination of expert for comparing her signatures on the ground that she has denied her signatures in the case titled as “Gurnam Singh versus Amar Singh and Gurmeet Kaur” in Civil Suit No.776 of 1991 decided on 03.03.1992 which is Ex.P1 on the court file. It is transpired from the written statement filed by the defendant Gurmeet Kaur in the aforesaid case titled as “Gurnam Singh versus Amar Singh and Gurmeet Kaur” decided vide judgment dated 03.03.1992 that defendant Gurmeet Kaur admitted the case of the plaintiff while filing the written statement. Furthermore, it is transpired from the amended plaint filed in the present case wherein, the plaintiff averred that she had never attended any court or engaged any counsel to appear in the alleged case titled as “Gurnam Singh versus Amar Singh and Gurmeet Kaur” decided vide judgment dated 03.03.1992 and the defendant in connivance with each other had committed the fraud at the back of the plaintiff. It goes to show that the plaintiff came to know about the judgment dated 03.03.1992 passed in civil suit titled as “Gurnam Singh versus Amar Singh and Gurmeet Kaur” and the written statement bearing her signatures filed in that

case at the time of filing amended plaint which was dated 02.04.2014. However, the application for examination of expert to compare her standard signatures with her signatures appended on the written statement filed in the aforesaid civil suit was moved on 29.01.2016. Meaning thereby, the said application was filed after 3 years from the date when the plaintiff came to know about the judgment dated 03.03.1992.

Thus, in the wake of the position as set out above, the only and the inevitable conclusion the trial Court could reach was to decline the prayer of the plaintiff-petitioner. Learned counsel for the plaintiff-petitioner could not point out as to how the impugned orders dated 29.01.2016 and 09.01.2017 are either contrary to the record or suffer from any material illegality.

That being so, no interference is warranted under Article 227 of the Constitution of India. The petition being devoid of merit is accordingly dismissed.

February 17, 2017

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**(ARUN PALLI)
JUDGE**