

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6308 of 2017 (O&M)
Date of decision: 18.09.2017

Malkiat Kaur

... Petitioner

Vs.

Naginder Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. I.S. Mann, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 31.07.2017 (Annexure P-1), whereby request made by the petitioner-plaintiff to examine fingerprint and handwriting expert was declined, plaintiff has approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion.

Mr. Baltej Singh Sidhu, Advocate accepts notice on behalf of the caveator-respondent No.2.

Heard learned counsel for the parties.

It is a matter of record that the plaintiff-petitioner has already availed as many as 30 opportunities, including the one granted by this Court, vide its earlier order dated 20.04.2017 passed in Civil Revision No.2766 of

2017 filed by the petitioner. It has also gone undisputed before this Court that Sh. Harpreet Singh, AFSO, Malerkotla was permitted to be examined by the learned trial Court and he was examined on 31.05.2017 in compliance of the abovesaid order dated 20.04.2017 (Annexure P-2) passed by this Court. However, the petitioner was found playing smart, so as to seek examination of fingerprint and handwriting expert as well under the garb of abovesaid order dated 20.04.2017 (Annexure P-2) passed by this Court, which was not permissible in law. It is so said because it was not the request made on behalf of the petitioner to this Court at the time of passing the order dated 20.04.2017 (Annexure P-2). Having said that, this Court feels no hesitation to conclude that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

The learned trial Court was not expected to travel beyond the scope of order dated 20.04.2017 (Annexure P-2) passed by this Court. Admittedly, examination of fingerprint and handwriting expert was not coming within the scope of order dated 20.04.2017. In fact, had the learned trial Court permitted the plaintiff-petitioner to examine fingerprint and handwriting expert under the garb of order dated 20.04.2017, the learned trial Court would be exceeding its jurisdiction. Under these undisputed circumstances of the case, it can be safely concluded that the learned trial Court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out patent illegality or perversity in the impugned order, which

may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order passed by the learned trial Court has been found based on sound reasons and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since no illegality or perversity has been found in the impugned order, the same deserves to be upheld. The revision petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

18.09.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No