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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 698/2017 & CM No.24252/2017 (for stay).
NARINDER PADDA @ NINNI Petitioner
Through: Mr. Dharm Vir Singh, Adv.
versus
KIRANJEET KAUR & ORS Respondents
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **14.07.2017**

CM No.24253/2017 (for exemption).

1. Allowed, subject to just exceptions.
2. The CM stands disposed of.

CM(M) 698/2017 & CM No.24252/2017 (for stay).

3. This petition under Article 227 of the Constitution of India impugns the order dated 10th March, 2017 [of the Civil Judge-09 (Central), Delhi in CS No.94034/16 (Old CS no.303/2003)] of dismissal of an application filed by the petitioner / plaintiff under Order XVIII Rule 17 of the Code of Civil Procedure, 1908 (CPC).
4. The counsel for the petitioner / plaintiff has been heard.
5. The petitioner / plaintiff, at the stage when the suit filed by him as far back as in the year 2003 was listed at the stage of final arguments, sought to lead evidence of the officials of the Forensic Science Laboratory (FSL) who had submitted a report on the disputed signatures to the investigation agencies in an FIR at the instance of the petitioner / plaintiff.
6. The learned Civil Judge in a well reasoned order has held that the earlier application of the petitioner / plaintiff for placing on record the report

of FSL had been dismissed vide order dated 22nd September, 2014 and which had attained finality and once the report of FSL had not come on record, the question of granting opportunity to the petitioner / plaintiff to prove the same did not arise.

7. Having not found any ground in the memorandum of the petition disputing the said reasoning of the learned Civil Judge, I have enquired from the counsel for the petitioner / plaintiff the ground on which interference under Article 227 of the Constitution of India is sought in the order.

8. The counsel for the petitioner / plaintiff has argued (i) that the petitioner / plaintiff should not suffer for the mistakes of the Advocate earlier engaged by him; and, (ii) the report should be permitted to be taken on record and be proved by permitting the petitioner / plaintiff to examine witnesses to prove the same.

9. I have enquired from the counsel for the petitioner / plaintiff whether the petitioner / plaintiff has taken any action against the Advocate who is now sought to be blamed.

10. The reply is in the negative.

11. In at least two or three cases everyday coming before me on this Roster, the argument of blaming the earlier Advocate is urged, without even giving an opportunity to that Advocate to respond. In most of the cases, no communication even complaining of the mistakes allegedly committed by the Advocate who is sought to be blamed is sent to the Advocate. Blaming professionals thus appears to have become a common practice, unfortunately by the other members of the same profession.

12. This Court in exercise of powers under Article 227 of the Constitution of India cannot give a go by to the Statute i.e. CPC or the principles of law which do not permit this Court to interfere with an order of the Civil Judge which merely relies upon an earlier order in the same proceeding which has attained finality.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

JULY 14, 2017

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