

In the High Court of Punjab and Haryana at Chandigarh

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Civil Revision No.146 of 2015

.....

Date of decision:22.5.2018

Ranjit Singh

.....Petitioner

v.

Joginder Kaur and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Satbir Rathore, Advocate for the petitioner.

Mr. M.S. Dhama, Advocate for the respondents.

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Inderjit Singh, J.

This civil revision petition has been filed under Article 227 of the Constitution of India read with Section 151 CPC for quashing the impugned order dated 13.11.2014 (Annexure-P.5) passed by the learned Civil Judge (Junior Division), Dasuya, vide which the application (Annexure-P.3) filed by the plaintiff/respondent for comparison of thumb impression on the Will dated 20.6.1995 has been allowed illegally at the stage of defendant's evidence without there being any issue in this regard and for dismissing the application.

Notice of motion was issued in this case.

Mr. M.S. Dhama, learned Advocate has put in appearance on behalf of respondent No.1 and contested this civil revision petition.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that Joginder Kaur-plaintiff (respondent No.1 herein) filed suit against Ranjit Singh and Laxman Singh-defendants for possession to the extent of 60 Marlas in total land measuring 7 Kanals contained in Khewat No.270. It has been stated that the revenue entries showing defendant No.1 as co-owner to the extent of 119 share are wrong and liable to be corrected.

During the pendency of the suit, an application was filed for comparison of thumb impression. It has been mentioned in the application that the Will dated 20.6.1995 is prepared by defendant No.1 (petitioner herein) after the death of his father Shiv Singh. Defendant No.1-Ranjit Singh has put his thumb impression on the Will dated 20.6.1995 in place of Shiv Singh. Further, the specimen thumb impression of Ranjit Singh right and left are very necessary for comparison through Hand-writing and Fingerprint Expert.

On the other hand, defendant No.1-petitioner in the reply to the application stated that neither signatures nor thumb impression of the defendant No.1 can be compared with the thumb impression on the Will dated 20.6.1995. It has further been stated in the application that the plaintiff has filed the suit for possession against the defendants and the plaintiff has led her entire evidence and, thereafter closed the same. During the evidence, the plaintiff has never disclosed the Will dated 20.6.1995 for comparison. It has further been stated that the father of the defendant No.1 and the plaintiff had executed the Will dated 20.6.1995 regarding the suit

land in favour of the defendant and the said Will has been admitted to be correct by the plaintiff at the time when the mutation of the suit land was sanctioned in the name of the defendant.

After hearing learned counsel for the parties and going through the record, the learned Civil Judge (Junior Division), Dasuya, vide impugned order dated 13.11.2014 accepted this application. Aggrieved from this order, the present civil revision petition has been filed by defendant No.1-Ranjit Singh.

I have gone through the impugned order dated 13.11.2014 passed by the learned Civil Judge (Junior Division), Dasuya, which is correct as per law and no illegality has been committed by the Court below by accepting the application. It is settled law that the science of fingerprint/thumb impression is a perfect science. The dispute is regarding the execution of Will in favour of defendant No.1. The plaintiff is the real sister of defendant No.1. Therefore, the dispute between the parties is regarding inheritance of their father. Defendant No.1-Ranjit Singh is claiming that the Will was executed in his favour by his father Shiv Singh whereas the case of plaintiff Joginder Kaur is that this Will is thumb marked by Ranjit Singh as Shiv Singh after the death of Shiv Singh. In view of these versions of the parties, it is essential and necessary to get examined the thumb impression of Ranjit Singh-defendant No.1 with the thumb impression on the Will dated 20.6.1995. This comparison will decide the dispute between the parties substantially and finally. It is settled law that the rights of the parties should be decided on merit as far as possible and the Court should not go into the technicalities of law.

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Keeping in view the above facts and circumstances, I find that the impugned order passed by the learned Civil Judge (Junior Division), Dasuya, is correct as per law which does not require any interference of this Court and the same is upheld.

Finding no merit in this civil revision petition, the same is accordingly dismissed.

May 22, 2018.

**(Inderjit Singh)
Judge**

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No