

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.2551 of 2018 (O&M)
Date of Order: 21.04.2018

Karamjit Singh and another

..Petitioners

Versus

Sandeep Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lalit Pathak, Advocate,
for the petitioners.

ANIL KSHETARPAL, J (Oral)

Defendants-petitioners are in revision petition against the order passed by the learned trial court reviewing its earlier order dated 08.11.2017.

Learned trial court vide order dated 08.11.2017, dismissed the application while observing as under:-

“Now it is the case of applicant-plaintiffs that sale deed in question is a registered one and is available with the applicant-plaintiffs. Therefore, this court is of the firm and considered view that applicant-plaintiffs are bound to prove their own case and one is at liberty to examine expert for the purpose ascertaining the genuineness of thumb impression. Same can be done by comparing the thumb impression from the documents already available on the judicial file in the shape of registered sale deed and other documents being thumb marked by the

respondent-defendant.”

However, when the Handwriting and Finger Print Expert examined the file, it was found that the thumb impressions of Paramjit Singh, defendant-petitioner were not available on the file. Hence, subsequent application was filed.

Learned trial court after noticing the fact that while passing the previous order on 08.11.2017, the court was under a wrong impression, allowed the application and directed the defendant-petitioner to give his thumb impressions of both the hands.

Learned counsel for the defendants-petitioners has vehemently argued that the learned trial court had no power to review the order dated 08.11.2017. He has further submitted that certified copies of the sale deeds are available on the file and therefore, the order could not be passed.

In the considered opinion of this Court, the order passed by the Court on 13.03.2018, is not resulting in review of the order dated 08.11.2017. The court only after noticing that previous order was passed by mistake on account of wrong impression, corrected the aforesaid order. In the order dated 08.11.2017, the court had granted liberty to the plaintiffs to compare the thumb impressions of defendant-petitioner from the documents already available on the file. However, once the court noticed that the documents available on the file do not bear the original thumb impressions, court passed a fresh order.

Second argument of learned counsel for the petitioners is that the certified copy of the sale deeds are available on the file.

In the considered opinion of this court, such certified copies of sale deeds would not be having original thumb impressions from where

comparison can be made.

In view of the aforesaid, there is no scope for interference in the order passed by the trial court.

The revision petition is dismissed.

April 21, 2018
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(ANIL KSHETARPAL)
JUDGE

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