

Civil Revision No.3344 of 2018

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

Civil Revision No.3344 of 2018

Date of decision: 18.05.2018

Panmeshwari

.....Petitioner

versus

Karam Singh @ Karma and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Ankur Lal, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Article 227 of the Constitution of India, petitioner has laid challenge to order dated 15.03.2018 passed in her appeal by the First Appellate Court, whereby her application under Order 41 Rule 27 CPC for leading additional evidence, has been dismissed, on account of dismissal of her suit by the trial Court vide judgment and decree dated 14.12.2017.

Learned legal-aid counsel contends that for effective adjudication of the real controversy between the parties, it is very much necessary to get compared the thumb impression of deceased Nihala, ancestor of the parties, with his admitted signatures by way of examination of some handwriting and fingerprint expert. The First Appellate Court has illegally dismissed application of the petitioner for additional evidence to examine handwriting and fingerprint expert, which could help the First Appellate Court in resolving real controversy in effective manner.

Having given considerable thought to the submissions made by

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learned legal-aid counsel, this Court finds that instant petition is completely devoid of any merit for the reasons to follow.

In her affidavit annexed with the petition, the petitioner has disclosed her age on 15.05.2018 as 41 years. Therefore, it is evident on the record that she became major in the year 1995. By way of her suit filed in the year 2014, she laid challenge to judgment and decree dated 18.09.1990 suffered by her father in favour of her brothers and mother. It is, therefore, evident on the record that her suit was hopelessly time-barred.

The petitioner never made any effort before the trial Court at the time of leading her evidence in affirmative to examine some handwriting and fingerprint expert for comparison of his father's admitted signatures to dislodge the claim of the respondents and has awoken out of a great slumber before the First Appellate Court, after dismissal of her suit by the trial Court.

I have gone through the impugned order and find no illegality or perversity in the same.

In view of the discussion made above, petition fails and the same is hereby dismissed.

May 18, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.