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

**CR No.4821 of 2022 (O&M)
CR No.4859 of 2022 (O&M)
Date of Decision: 06.12.2022**

Shri Guru Granth Sahib Ji

..... Petitioner

versus

Jarnail Singh and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Simranjit Singh, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL J. (Oral)

Both the above-mentioned revision petitions are being disposed of together as the matter pertains to the same parties and the issue involved therein is identical. The facts are being taken from CR No.4821 of 2022.

The petitioner has filed the above-mentioned revision petitions under Article 227 of the Constitution of India to impugn the order dated 19.09.2022 passed by the learned Additional Civil Judge (Senior Division), Barnala, vide which its application for adducing additional evidence, was dismissed.

Learned counsel appearing for the petitioner-plaintiff has

submitted that the impugned order suffers from patent illegality and is contrary to the settled principles of law. He has further submitted that the trial Court while passing the impugned order, failed to appreciate that respondent No.1 in connivance with some people, had prepared a false and fabricated Jamabandi for the year 1990-91, by forging the signatures of the then Patwari, Gurdeep Singh. Thereafter, respondent No.1 on the basis of the aforesaid fabricated Jamabandi had managed to obtain judgment and decree dated 03.05.1999. Learned counsel has therefore, urged that to prove the factum of the aforesaid Jamabandi being a forged and fabricated document, it was necessary to examine a hand writing expert to compare the signatures of Patwari Gurdeep Singh. It has been submitted that the opinion of the hand writing expert in the said regard is thus, necessary for just and effective adjudication of the case. It has also been submitted that it was on account of the fault of the counsel representing the petitioner before the trial Court, the hand writing expert could not be examined earlier.

I have heard learned counsel for the petitioner and perused the relevant material on record.

The petitioner-Committee has filed suit for declaration and possession on the ground that respondent No.1 in connivance with one Mukhtiar Singh and Ajaib Singh had forged the Jamabandi for the year 1990-91 and thereafter, on the basis of the forged and fabricated Jamabandi, respondent No.1 had been able to obtain judgment and decree dated 03.05.1999.

It is perspicuous from the above that the foundation of the

entire case set up by the petitioner rests upon the factum of Jamabandi (Annexure P-2), being a forged and fabricated document. Therefore, in these circumstances, it was imperative upon the petitioner to examine a hand writing expert while leading its evidence in the affirmative. However, it was not done and instead, now fault is being attributed to the counsel representing it before the trial Court.

The application for adducing additional evidence (Annexure P-1) was admittedly moved by the petitioner at a highly belated stage when the case was fixed for rebuttal evidence and arguments. The suit in question was instituted in the year 2015 and it is thus evident that the petitioner has not been diligent enough in pursuing the case for which, the opposite party cannot be made to suffer. There has to be an end to the litigation and on account of the apparent laxity on the part of the petitioner, litigation cannot be allowed to be unduly prolonged.

In this view of the matter, this Court, therefore, does not find any cogent reason or ground to interfere with the impugned order dated 19.09.2022 and both the revision petitions, being devoid of any merit, are dismissed.

(MANJARI NEHRU KAUL)
JUDGE

06.12.2022

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No