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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ C.R.P. 17/2022

DR. JAGMOHAN SINGH CHAWLA

..... Petitioner

Through: Mr. Arvind Kumar Singh, Advocate.

versus

JASPAL SINGH CHAWLA

..... Respondent

Through: None.

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Date of Decision: 25th July, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CM APPL.32358/2022 (exemption)

Exemption allowed subject to all just exceptions.

CM APPL.32357/2022 (for pre-ponement of hearing)

For the reasons stated in the application, the application is allowed.

The petition is taken up for hearing today.

Accordingly, the present application stands disposed of.

The next date of 03.08.2022 stands cancelled.

**C.R.P. 17/2022**

1. The present writ petition has been filed challenging the order dated 20.03.2021, whereby, the application of the petitioner, under Section 151 CPC, for placing on record certain documents regarding the medical condition of the deceased and the proceedings in FIR No.198/10 PS Pahar Ganj, was dismissed.
2. Learned counsel for petitioner seeks stay of the proceedings before the learned Trial Court. Learned counsel for the petitioner submits that the Trial Court has fixed 28.07.2022 for final arguments and if the Trial Court proceeds with the suit, this revision petition may become infructuous.
3. Perusal of the ordersheet indicates that on the last date of hearing, none had appeared for the petitioner and thus the matter was adjourned to 03.08.2022. Learned counsel for the petitioner though submits that he could not appear on the last date for the reasons beyond his control. However, I consider that *de hors* there is no ground for stay of the proceedings.
4. Vide the impugned order dated 20.03.2021, learned Trial Court had considered the application under Section 151 CPC of the petitioner. A reading of the impugned order indicates that the documents sought to be produced were related to the status of the health of the deceased pertaining to the year 2011 while the deceased expired in the year 2014. It was recorded that the said documents did not diagnose any mental incapacity of the deceased. Learned Trial Court was of the view that the documents pertaining to the FIR No.198/10 merely contain a statement of the deceased under Section 161 Cr.P.C. which would have been proved by summoning



the relevant record/IO of the matter.

5. The plea of the petitioner is that owing to the mental incapacity, the gift deed dated 01.04.2011 alleged to be executed is not valid.

6. I consider that there is no substance in the plea of the petitioner.

7. The facts in brief are that initially a suit was filed in the year 2012 by Sh. Anup Singh, i.e., the uncle of the petitioner against late Sh. Harbans Singh, i.e., the father of the petitioner to restrain them from interfering in the possession of 1/3rd share of the property bearing Plot No.B-3/11, Janakpuri, New Delhi-58. While the suit was pending, the petitioner received legal notice dated 01.05.2017 from the respondent about the existence of the Gift Deed dated 01.04.2011, allegedly executed by late Sh. Harbans Singh in respect of his 1/3rd share of the property bearing Plot No.B-3/11, Janakpuri, New Delhi-58 in favour of the respondent. The plea of the petitioner is that late Sh. Harbans Singh had not mentioned this fact in the written statement filed by him in the earlier suit filed by Sh. Anup Singh.

8. Thereafter, the petitioner herein filed a Civil Suit No.272/2018 for declaration of the Gift Deed dated 01.04.2011 as null and void. The plea of the petitioner is that in September, 2019, he found certain medical documents relating to the admission and discharge of late Sh. Harbans Singh and particulars of FIR No.198/10, Police Station Pahar Ganj under Section 279/304A IPC in which certain inquiry was made by police from late Sh. Harbans Singh about the Maruti Car No.DL 4C 1639. It is interesting to note that Sh. Harbans Singh had nothing to do with the accident except that the offending vehicle was owned by the petitioner who had executed an SPA in



favour of his father late Sh. Harbans Singh.

9. This Court is failed to comprehend how these documents are relevant for the adjudication of the present case. I consider that the learned Trial Court has rightly dismissed the application under Section 151 CPC filed by the petitioner. It is pertinent to mention that the revisional jurisdiction is very limited where the order of the Trial Court can be interfered into only where the jurisdiction vested has not been exercised by the Trial Court or the Trial Court has exceeded the said jurisdiction.

10. This Court does not find any merit in the present petition. Hence, the present petition is dismissed.

DINESH KUMAR SHARMA, J

JULY 25, 2022
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