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

RSA No.1213 of 2017 (O&M)

Date of decision : 19.11.2025

Jaswinder Kaur

....Appellant

Versus

Gurjit Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. B.B.S. Randhawa, Advocate for the appellant.

Ms. Anita Sharma, Advocate for respondent No.1.

PANKAJ JAIN, J. (ORAL)

CM No.2898-C of 2017

This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 24 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant/appellant has made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 24 days in filing the instant appeal is hereby condoned.

RSA No.1213 of 2017 (O&M)

Defendant No.1 is in second appeal aggrieved of the judgment and decree passed by the Courts below.

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2. For convenience and to avoid confusion, the parties hereinafter are referred to as by their original position before the Court of First Instance i.e., the appellant as defendant No.1, respondent No.1 as plaintiff and respondent No.2 as defendant No.2.

3. Plaintiff filed suit seeking declaration to the effect that his brother namely Bhupinder Singh was married to defendant No.1 Jaswinder Kaur, the appellant. There was a matrimonial discord between Bhupinder Singh and Jaswinder Kaur. Bhupinder Singh filed petition under Section 13 of the Hindu Marriage Act, 1955 seeking dissolution of his marriage with defendant No.1 by decree of divorce. During pendency thereof, he died on 07.09.2002. Plaintiff along with his brother were litigating with defendant No.1 *qua* immoveable properties. Defendant No.1 filed a false and frivolous complaint against her husband and plaintiff. They were called to Police Station Sadar, Rupnagar. At the instance of defendant No.1 and defendant No.2, they were made to sign blank-papers on 29.02.2004. The said blank-papers were later on utilized for creating a forged and fabricated document which is illegal, null and void. The plaintiff accordingly sought decree of declaration to the effect that the alleged document dated 29.02.2004, Exhibit D-1 was illegal, null and void. Plaintiff further sought decree of mandatory injunction seeking direction to the defendant to hand-over the said document to the plaintiff with the further relief of permanent injunction restraining the defendants from using the same against the plaintiff and his mother in any manner.

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4. Suit was contested by defendant No.1. She claimed the suit to be pre-matured as the agreement dated 29.02.2004 has not been acted upon. The filing of divorce petition against defendant No.1, was admitted. It was claimed by defendant No.1 that she and her husband reconciled their differences but unfortunately her husband died prior to withdrawal of the divorce petition. She claimed of having cordial relation with her husband. It was claimed by defendant No.1 that on 29.02.2004 a Panchayat consisting of close friends, relatives and respectable persons of the village, was convened. The family settlement/compromise was effected.

5. Defendant No.2 filed separate written statement in which he claimed that a complaint was marked to him being posted as ASI in Police Station Sadar, Rupnagar. During investigation, he was told by defendant No.1 and the other party that the matter has been compromised between them. Defendant No.2 denied of having obtained signatures of plaintiff on blank-papers.

6. After considering the entire evidence, the Courts below concluded that the document dated 29.02.2004, Exhibit D-1, brought on record by the defendants, was a suspicious document and the same cannot be held to be binding upon the rights of the plaintiff. The Courts below accordingly, decreed the suit filed by the plaintiff.

7. I have heard counsel for the parties and have carefully gone through records of the case.

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8. The issue for determination in the present appeal is, legality and validity of document dated 29.02.2004, Exhibit D-1.

9. Counsel for the appellant is not able to dispute the fact that the document has been executed and scribed on a stamp-paper. The same has adhesive stamps posted on it. The same were purchased from one Nirmal Singh, the licensed Stamp Vendor on 01.03.2004. There is an endorsement regarding the same at the back of the document.

10. On being asked as to how a document dated 29.02.2004 can be executed on a stamp-paper purchased on 01.03.2004, counsel for the appellant had no answer.

11. In view thereof, this Court finds that the Courts below have rightly appreciated the evidence on record in recording finding that document, Exhibit D-1 is suspicious and is not worth reliance. The same having been rightly discarded by the Courts below, no fault can be found with the Courts decreeing the suit filed by the plaintiff.

12. Resultantly, finding no merit in the present appeal, the same is ordered to be dismissed.

13. Pending application, if any, shall also stands disposed off.

November 19, 2025**(Pankaj Jain)****Dpr****Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No