



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5648-2018(O&M)
Date of decision : 06.05.2026

Nar Singh and another

... Petitioners

Versus

Rai Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vineet Chaudhary, Advocate
for the petitioners.

Mr.Brijender Kaushik, Advocate
for respondents no.1 to 3.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 03.08.2018 (Annexure P-5) vide which an application dated 12.10.2017 filed by the petitioners for seeking permission to take photographs of the disputed thumb impression of Sadhu Ram has been dismissed.

2. The trial Court vide the impugned order dated 03.08.2018 had dismissed the application filed by the petitioners-plaintiffs for inspection and taking photographs of thumb impression of Sadhu Ram for the purpose of examination by an expert for comparing his specimen thumb impressions with the thumb impressions on the written statement and power of attorney



filed in the suit culminating in the passing of the judgment and decree dated 06.08.1994 passed in the civil suit titled as “Sushma vs. Sadhu Ram” on the grounds that the petitioners-plaintiffs had challenged the said decree on the ground of misrepresentation and not on the plea that the thumb impressions of the defendant-Sadhu Ram in the said suit on the Vakalatnama and written statement were forged. It was observed that it is a matter of settled law that the plaintiff cannot lead evidence beyond his pleadings and since there was no pleading to the effect that the thumb impressions of the defendant-Sadhu Ram were forged or fabricated, no evidence regarding the same could be led.

3. Learned counsel for the petitioners could not refer to any averments in the plaint to show that the plea has been taken by the petitioners-plaintiffs to the effect that the thumb impressions of Sadhu Ram on the written statement and the power of attorney filed in the suit culminating into the judgment dated 06.08.1994 were forged or fabricated. Rather a perusal of paragraph 7 sub clause (i) of the plaint would show that the plea taken by the plaintiffs is that defendants no.1 and 2 had taken advantage of the fact that the said Sadhu Ram was illiterate and had misrepresented the said Sadhu Ram who had never intended to suffer such decree and judgment in favour of defendant no.2. Thus, the case set up by the plaintiffs is based on misrepresentation by defendants no.1 and 2 by taking advantage of illiteracy of deceased Sadhu Ram and the said plea of misrepresentation is contradictory to the plea of forgery. At any rate, no plea



of forgery has been highlighted on behalf of the petitioners. Paragraph 7 sub clause (i) of the plaint is reproduced hereinbelow:-

“i) That the judgment and decree dated 06.08.1994 in favour of the defendant No.2 has been manipulated by the defendant No.1 in connivance with each other and is a result of misrepresentations by taking advantage of illiteracy of the deceased Sadhu Ram and with a view to defeat the lawful right of the plaintiffs as Sadhu Ram never intended to suffer such like judgment and decree in favour of the defendant No.2 who is totally stranger for all intents and purposes to blood relation and there was no occasion for the deceased Sadhu Ram to suffer such like judgment and decree dated 06.08.1994 in favour of the defendant no.2.”

4. It is a matter of settled law that a party cannot be permitted to lead evidence beyond pleadings. No law has been cited on behalf of the petitioners in support of his application, before this Court.

5. The Hon'ble Supreme Court in the case of ***"Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil"***, reported as ***(2010) 8 Supreme Court Cases 329***, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227, but at the same time, it must be remembered that such statutory amendment does not correspondingly



expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

6. Keeping in view the above said facts and circumstances, the present revision petition deserves to be dismissed and is accordingly dismissed and the impugned order dated 03.08.2018 is upheld.

(VIKAS BAHL)
JUDGE

May 06, 2026.
Davinder Kumar

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