2026:PHHC:070612

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.3059 of 2023 (O&M)
Date of Decision:06.05.2026

SMT. ANGREJO AND ANOTHER .....Petitioners

Vs

AZAD SINGH AND OTHERS ....Respondents

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. R.K. Girdwal, Advocate
for the petitioners.

Mr. Ravinder Rana, Advocate
for respondent No.1.

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HARKESH MANUJA, J. (Oral)

[1]. By way of present revision petition, challenge has been laid to the order dated 17.04.2023 passed by the learned Civil Judge (Junior Division) Jhajjar, whereby the prayer made on behalf of respondent No.1/plaintiff for leading additional evidence so as to examine a handwriting expert, has been allowed.

[2]. Briefly stating, respondent No.1/plaintiff filed a suit for declaration as well as permanent injunction with consequential relief of mandatory injunction while claiming himself to be owner in possession land measuring 14 Kanals forming part of revenue estate of village Bir Sunarwala, Tehsil and District Jhajjar, based on judgment and decree dated 03.11.1987 passed in Civil Suit No.902/1987 titled '*Azad Vs. Pyari etc'*. wherein petitioner nos.1 and 2 were arrayed as defendant nos.1 and 2 being the paternal aunts. The relevant paragraph no.5 therefrom is extracted hereunder:-

> *"5. That later on, the plaintiff filed a civil suit No.902/1987, date of institution 25.09.1987 against his grand mother namely Smt. Pyari and*

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defendants No.1 and 2 who are BUA of plaintiff, tilted as 'Azad Versus Pyari etc.", and the said suit was decreed in favour of plaintiff vide decree and judgment dated 03.11.1987 on the basis of statement recorded of Smt. Pyari and defendants No.1 and 2, vide which, Smt. Pyari and defendants No.1 and 2 relinquished their share i.e. 3/5 share, out of suit land, in favour of plaintiff. Hence in this manner, the plaintiff became owner in possession of 3/5 share in the suit land on the basis of aforesaid decree and judgment dated 03.11.1987. The copy of decree and judgment dated 03.11.1987 is attached herewith."

[3]. Upon appearance, petitioners/defendant nos.1 and 2 filed written statement. The relevant para no.5 thereof is extracted hereunder:-

"5. That para no.5 of the plaint is completely wrong hence denied because answering defendants never appeared in any such suit nor they suffered any statement by coming in the court nor they filed any Written Statement nor they engaged any advocate if any document bears thumb impression of the defendant no.1 & 2 the same are result of fraud and misrepresentation played by plaintiff. It is wrong that plaintiff is owner in possession of 3/5 share of suit land on the basis of judgment and decree dt. 3-11-87."

[4]. The issues were framed by the learned Trial Court on 13.11.2018. Upon conclusion of evidence of respondent No.1/plaintiff on 12.09.2022, the matter was posted for recording of evidence of the petitioners/defendants. Petitioner No.2/defendant No.2 Smt. Dhola daughter of Kali Ram wife of Raghbir appeared as DW-1 and during her cross-examination on 30.01.2023, she made the following statement:-

"xxx xxx. We are illiterate and in the said case no nambardar was present nor we were present. We did not know whether in the said case we put our thumb impressions or not. We did not engaged any advocate in the said case nor put our thumb impressions on any vakalatnama. I cannot tell that the thumb impression which is of 1987, whose comparison can be made with my thumb impression or not. xxx xxx"

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[5]. Faced with the aforesaid, an application came to be filed at the instance of respondent No.1/plaintiff with the following prayer:-

> *"It is, therefore, prayed that the application of the applicant may kindly be allowed thereby allowing the applicant to get examine and taking the photographs etc. of the admitted thumb impressions of the defendants through hand writing expert from the case file and compare/examine the same from the thumb impression of aforesaid case file of civil suit no.902 dated. 25.09.1987 and submit the report as well as to prove the same by appearing as plaintiff witness in additional evidence/rebuttal evidence under the facts and circumstances and in the interest of justice."*

[6]. The application preferred at the instance of respondent No.1/plaintiff was opposed by the petitioners/defendants, however the same was allowed by the learned Trial Court vide its order dated 17.04.2023. Hence the present revision petition.

[7]. I have heard learned counsel for the parties and gone through the paper book.

[8]. A perusal of the written statement filed by the petitioners/defendant Nos.1 and 2 shows that no specific denial of their signatures/thumb impressions in the pleadings or even on the power of attorney filed in the previous Civil Suit No.902/1987 decreed on 03.11.1987 was pleaded therein. It was only while appearing as DW-1, that petitioner No.2/defendant No.2 Smt. Dhola for the first time denied her thumb impression in the previous suit; for want of knowledge. Thus it was at that stage only it became essential for respondent No.1/plaintiff so as seek comparison of the thumb impressions/signatures made in the earlier suit with their standard/admitted thumb impressions of the petitioners/defendants.

[9]. In such circumstances, neither there was any delay on the part of respondent No.1/plaintiff nor can the application be termed as an effort to fill up

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any lacuna on his part. Infact, the prayer made in the application would also help the learned Trial Court to decide the *lis* between the parties in a complete and effective manner so as to do complete justice between them.

[10]. Accordingly, the order passed by the learned Trial Court being based on proper appreciation of facts and law applicable thereunder, the same calls for no interference. However, the cost of Rs.3000/- imposed by the learned Trial Court to be paid to the petitioners/defendants is increased to Rs.20,000/-.

[11]. With the aforesaid observation, the present petition is disposed of.

[12]. Pending application(s), if any shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

May 06, 2026
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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