

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****139****CR-3747-2026 (O&M)****Date of decision: 04.05.2026****Rajender alias Rajinder****...Petitioner(s)****Vs.****Parbhati (now deceased) through legal heirs and others ...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sarun Hans, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of the Constitution of India has been filed by the plaintiff seeking setting aside of the order dated 10.04.2026 (Annexure P-7) passed by learned Civil Judge (Junior Division), Hansi; whereby application filed by the petitioner/plaintiff for comparison of the disputed thumb impressions with admitted thumb impressions, has been dismissed.

2. Factual background of the case in chronological order is that:-

29.09.2015: The petitioner has filed Civil Suit dated 29.09.2015 (Annexure P-1) for declaration. The said suit was accompanied with application under Order 39 Rules 1 and 2 CPC for ad interim injunction.

15.10.2015: Defendants had filed reply dated 15.10.2015 (Annexure P-2) to the aforesaid application of the petitioner.



18.11.2015: Thereafter, defendants had moved application dated 18.11.2015 under Section 10 CPC for staying the suit proceedings.

05.12.2015: Vide order dated 05.12.2015, proceedings of the case were stayed till disposal of the subject matter in issue.

14.07.2023: Thereafter, defendants had filed application dated 14.07.2023 (Annexure P-4) for calling the file from the record room and initiating legal action against the plaintiff/petitioner for fabricating the thumb impression of defendant No.1.

24.09.2025: Petitioner had filed reply dated 24.09.2025 (Annexure P-5) to the said application.

15.11.2025: Thereafter, petitioner had moved instant application dated 15.11.2025 (Annexure P-6) for getting compared the disputed thumb impression of the defendant with the admitted thumb impression.

10.04.2026: Vide the impugned order dated 10.04.2026 (Annexure P-7), the said application of the petitioner P-6, has been dismissed.

3. It is *inter alia* submitted by learned counsel for the petitioner that the present Civil Suit is pending for restoration. It is submitted that it is the case of the respondents that they had never appointed learned counsel concerned, who had appeared on their behalf and filed Vakalatnama dated 14.10.2015. It has further been stated by the respondents that they had never given reply or application for stay nor signed any Vakalatnama in favour of the said counsel and that he had not put his thumb impression on it. It is submitted that accordingly, petitioner has moved instant application seeking verification of the



thumb impression of the respondent. It is submitted that the Respondents have even filed application dated 15.10.2015 under Order 7 Rule 11 CPC. The respondents have even filed criminal offence against the petitioner on the allegation that petitioner has fabricated thumb impression of defendant No.1 on the alleged Vakalatnama as well as written statement of defendant No.1 and other relevant documents; and for vacation of the stay order illegally gotten by the petitioner in the above suit by misrepresentation; and for dismissing the instant suit in terms of provision of Section 11 CPC being based on *res judicata* as the previous matter has already been decided upto Hon'ble Supreme Court.

4. Learned counsel for the petitioner further submits that learned District Courts failed to appreciate that it is the respondent No.1, who had not appeared before the District Courts with clean hands. In fact, it is the respondents, who out of greed, have fabricated a false story against the Senior Counsel concerned, who is a respected Advocate of the Hansi Bar and has been practising for 55 years and, therefore, allegations against him are uncalled for. It is contended that such a denial on the part of the respondents, raises serious issue of forging and fabricating. Thus, to prove the genuineness of the documents, the petitioner had moved instant application to get compared the disputed thumb impression of defendant No.1 borne in Vakalatnama and written statement and other related documents with admitted thumb impression of defendant No.1.



5. Hence, it is accordingly prayed that the present Revision Petition be allowed; and the impugned order be set aside.

6. No other argument is raised on behalf of Id. counsel for the petitioner. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the petitioner.

7. Admittedly, main Civil Suit has been adjourned *sine die* vide order dated 05.12.2015 by learned Civil Court. Admittedly, application dated 14.07.2023 (Annexure P-4) filed by the defendants for calling the file from the record room and restoration of the case, is still pending. As such, until and unless the case is restored, instant application of the petitioner dated 15.11.2025 for getting compared thumb impression of the defendants cannot be entertained.

8. Furthermore, learned Trial Court has recorded in the impugned order dated 10.04.2026 (Annexure P-7) that LR of defendant No.1 *“has admitted the thumb-impression of defendant No.1 on the disputed documents.”* Accordingly, in view of the said admission, there is no reasonable ground to allow the application of the petitioner.

9. In view of the above, present Revision Petition stands **dismissed.**

10. Pending application(s) if any also stand(s) disposed of.

04.05.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No