



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(125)

CR No. 6268 of 2025 (O&M)

Date of Decision : 30.09.2025

Raj Kumari (since deceased) through her LRs.

...Petitioners

Versus

Sukhjinder Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

Present: Mr. Sanjeev Patyial, Advocate for the petitioners.

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**Amarinder Singh Grewal, J. (Oral)**

1. The petitioners being the legal representatives of deceased Raj Kumar, have filed the present Civil Revision Petition under Article 227 of the Constitution of India for setting-aside the order dated 25.08.2025 (Annexure P-10) passed by learned Additional District Judge, Kaithal, whereby the application dated 01.11.2019 (Annexure P-8) seeking direction of the Court to refer the original agreement dated 28.04.2014 (Annexure P-1) to CFSL/FSL for its opinion was dismissed.

2. Brief facts of the case are that the respondent-plaintiffs Sukhjinder Singh and another instituted Civil Suit No. 25 of 2015 on 19.02.2015 seeking possession by way of specific performance of agreement to sell dated 28.04.2014 along with permanent injunction, against Raj Kumari. The defendant appeared and filed written statement. As many as eight issues were framed including the issue of relief. Thereafter, the parties



led their respective evidence and ultimately, the suit was decreed by the trial Court vide judgment and decree dated 01.08.2016.

3. The said decree was assailed in appeal before the learned Additional District Judge, Kaithal. During pendency of the appeal, the present petitioners moved an application for referring Exhibit P-1, the original agreement to sell, to CFSL/FSL to ascertain whether Raj Kumari had signed the document after its contents were written, or whether her pre-signed papers were misused by the plaintiffs.

4. The learned First Appellate Court, on consideration of the pleadings and submissions, rejected the application holding that the petitioners failed to satisfy the requirements of Order XLI Rule 27 CPC. Reliance was placed on judicial precedents to conclude that the prayer, if allowed, would amount to re-opening of the trial and permitting the petitioners to fill up the lacunae in their case.

5. Learned counsel for the petitioners has submitted that for fair and just adjudication of the controversy between the parties, it was imperative to have the original agreement dated 28.04.2014 examined by the CFSL/FSL. According to him, such examination was necessary to determine whether Raj Kumari had affixed her signatures on the said agreement after its contents were written, or whether a pre-signed blank paper of hers was misused by the respondents. It is further argued that the learned Additional District Judge adopted an erroneous approach in rejecting the application on the ground that it did not fulfil the requirements of Order XLI Rule 27 CPC. In support of his submissions, learned counsel has placed reliance upon the



judgment of the Hon'ble Supreme Court in *O. Bharathan v. K. Sudhakaran and another*, Civil Appeal No. 3332 of 1992, decided on 06.02.1996.

6. In view of the order proposed to be passed, notice is not being issued to the respondent as it would unnecessarily delay the proceedings and also entail additional expenses for the respondents.

7. I have heard learned counsel for the petitioners and have gone through the record with his able assistance.

8. On hearing the submissions of the learned counsel for the petitioners and as discussed above, I find no merit in the present petition. It is not disputed that the petitioners had already examined on one Shamsheer Singh Malik, Handwriting and Finger Print Expert as DW1, who tendered his report as Ex. DW1/C to DW1/J. The trial Court duly considered the said evidence and discarded it. If at all the petitioners were dissatisfied with the report of their own expert, they could have, during trial itself, sought reference of the document to CFSL/FSL. However, no such application was ever moved at this stage.

9. It was only after the testimony of DW-1 was discarded and the suit decreed that, during pendency of appeal, the present application dated 01.11.2019 came to be filed, nearly three years after the filing of appeal on 29.08.2016. Such belated attempt clearly appears to be an endeavour to fill up lacunae in the evidence already led, which cannot be permitted under the garb of Order XLI Rule 27 CPC.

10. The learned Additional District Judge has rightly held that entertaining such an application would virtually amount to re-opening the entire trial and giving the appellants a second opportunity to prove their case.



The reliance placed by the petitioners on *O. Bharathan's case (supra)* is misplaced, since the said judgment dealt primarily with the applicability of the Evidence Act and did not concern the restrictive scope of additional evidence under Order XLI Rule 27 CPC.

11. This Court, therefore, finds no infirmity, much less perversity, in the impugned order warranting interference under Article 227 of the Constitution of India.

12. Present Civil Revision Petition is dismissed in above terms.

13. Pending miscellaneous application, if any, also stands disposed of.

September 30, 2025  
*kanchan*

(AMARINDER SINGH GREWAL)  
JUDGE

*Whether speaking/reasoned : Yes*

*Whether reportable : No*