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

CR-3944-2025 (O&M)
Date of decision: 12.08.2025

Baljit Singh

...Petitioner

Versus

Gurmit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. G.C. Dhuriwala, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 23.04.2025 (Annexure P-1) passed by the Civil Judge (Junior Division), Chandigarh and impugned judgment dated 28.09.1992 (Annexure P-2) passed in Civil Suit No.247 of 1991.

ARGUMENTS ON BEHALF OF THE PETITIONER:-

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner was owner of land measuring 1 kanal 2 marlas bearing khata No.82/82 comprised in khasra No.53(1-2) gair mumkin bara (cattle shed) situated at Village Dhanas, Hadbast No.15, Sub Tehsil Kalka, District Ambala vide registered sale deed dated 30.05.1966. It is further submitted that Gurmit Singh (respondent) had filed a suit against the present



petitioner i.e., Civil Suit No.247 and it was on the basis of admission made by learned counsel for the present petitioner that the suit was decreed on 28.09.1992. It is submitted that the said decree is a fraudulent decree and thus, deserves to be set aside. It is further argued that even sale deed dated 27.08.1991 executed by the present petitioner in favour of Gurmit Singh is a fraudulent document and was never executed by the present petitioner. It is submitted that the petitioner who was the original owner of the property, has been deprived of his property illegally and by playing fraud.

3. Learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court passed in the case of **United India Insurance Company Limited Vs. Rajendra Singh and others**, reported as **(2000)3 SCC 581** to contend that fraud vitiates everything and that no Court or Tribunal is powerless to recall its own order once it is convinced that the said order was secured by fraud or misrepresentation. It is submitted that in the said circumstances, application filed by the petitioner for recalling the order/judgment and decree dated 28.09.1992 passed in Civil Suit No.247 of 1991 is meritorious and impugned order dated 23.04.2025 vide which the said application has been dismissed is illegal, and deserves to be set aside and the judgment and decree dated 28.09.1992 passed in Civil Suit No.247 of 1991 also deserves to be set aside.

ANALYSIS AND FINDINGS:-

4. This Court has heard learned counsel for the petitioner and has perused the paper book and finds that the present revision petition is meritless and the petitioner has left no stone unturned to endlessly delay the proceedings and thus, the revision petition deserves to be dismissed and the impugned order



dated 23.04.2025 and the impugned judgment dated 28.09.1992 are in accordance with law and deserve to be upheld for the reasons stated hereinafter.

5. It would be relevant to note that prior to the filing of the present revision petition, CR-2911-2025 was filed under Article 227 of the Constitution of India in which challenge was made to the order dated 23.04.2025 (Annexure P-1) passed by the Executing Court as well as order dated 07.05.2025 (Annexure P-2) passed in appeal. On 07.07.2025, following order was passed in the said revision petition:-

“CM-10959-CII-2025

1. *This is an application under Section 151 CPC for revival of the revision petition which was disposed of vide order dated 14.05.2025.*

2. *For the reasons stated in the application which is supported by an affidavit, the application is allowed and the order dated 14.05.2025 is recalled and the main petition is ordered to be restored to its original number.*

CR-2911-2025

1. *This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 23.04.2025 (Annexure P-1) passed by the Executing Court and the impugned order dated 07.05.2025 (Annexure P-2) passed in the appeal.*

2. *Learned counsel for the petitioner, after arguing for some time and after seeing that this Court is not inclined to interfere in the matter, seeks permission of this Court to withdraw the present revision petition.*

3. *In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn.*

July 07, 2025”

6. Several documents annexed in the abovesaid revision petition,



which are relevant for consideration, have not been annexed with the present revision petition and for the said purpose, this Court on 21.07.2025 was pleased to pass the following order:-

*“Present: Mr.D.D.Bansal, Advocate for
Mr.G.C.Dhuriwala, Advocate for the petitioner.*

The petitioner had earlier filed CR-2911-2025 in which on 07.07.2025, the following order was passed:-

“CM-10959-CII-2025

1. This is an application under Section 151 CPC for revival of the revision petition which was disposed of vide order dated 14.05.2025.

2. For the reasons stated in the application which is supported by an affidavit, the application is allowed and the order dated 14.05.2025 is recalled and the main petition is ordered to be restored to its original number.

CR-2911-2025

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 23.04.2025 (Annexure P-1) passed by the Executing Court and the impugned order dated 07.05.2025 (Annexure P2) passed in the appeal.

2. Learned counsel for the petitioner, after arguing for some time and after seeing that this Court is not inclined to interfere in the matter, seeks permission of this Court to withdraw the present revision petition.

3. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn.”

Registry is directed to annex the file of abovesaid CR-2911- 2025 on the next date of hearing.

Adjourned to 12.08.2025.”

7. In pursuance of the said order, file of CR-2911-2025, has been



attached and this Court has gone through both the files.

8. The facts detailed hereinbelow would show the conduct of the present petitioner, which in no circumstances can be condoned.

i) **27.08.1991 (Annexure P-5 page 52 of CR-2911-2025)**

Registered sale deed executed by Baljit Singh (petitioner) in favour of Gurmit Singh (respondent) with respect to land measuring 1 kanal 2 marlas and semi built up house thereon. A perusal of the said sale deed would show that the same is for a total sale consideration of Rs.1,20,000/- and that Rs.90,000/- was stated to have been received by the present petitioner on 19.08.1991 when the agreement to sell was entered into and the balance amount of Rs.30,000/- was received by the petitioner before the Sub Registrar and that the present petitioner as per the averments in the sale deed had acknowledged the receipt for the total sale consideration. The said sale deed is stated to be witnessed by an Advocate and two other witnesses. On a pointed query raised by this Court, learned counsel for the petitioner has fairly submitted that the same is a registered sale deed.

ii) **28.09.1992 (Annexure P-2 page 43 of CR-3944-2025)**

Judgment and decree passed in a suit for declaration filed by respondent-Gurmit Singh against the present petitioner. The relief granted in the said suit is reproduced hereinbelow:-

“8. Suit of the plaintiff stands decreed against the defendant that the plaintiff is owner in possession of the land measuring 1 kanal 2 marlas under Red line bearing khasra No.53 Khewat No.951, Khatauni No.2 alongwith two rooms and semi constructed house on the said land. Parties are left to bear their own costs. Separate decree sheet be prepared accordingly. File



be consigned to the record room.

Announced:

Sd/- Sub Judge 2nd Class

28.9.1992

Chandigarh.”

A perusal of the above judgment and decree would show that the present petitioner was defendant in that suit and as recorded in paragraph 5 of the judgment, notice of the suit was given to the defendant (present petitioner) and the present petitioner had appeared through his counsel. No fact has been brought to the notice of this Court to show that the petitioner had not engaged or signed the power of attorney in favour of the Advocate who had appeared in the case.

iii) **15.06.1993 (Annexure P-5 page 64 of CR-3944-2025)**

Registered sale deed executed by Gurmit Singh in favour of Sohanjit Singh with respect to land measuring 0 kanal 17 marlas out of total land measuring 1 kanals 2 marlas comprised in khasra no.53(1-2).

iv) **15.06.1996 (Annexure P-7 page 63 of CR-2911-2025)**

Suit of possession was filed by the said Sohanjit Singh with respect to the above said land measuring 0 kanal 17 marlas against the present petitioner as well as Gurmit Singh.

v) **31.08.2001 (Annexure P-7 page 63 of CR-2911-2025)**

The said suit was decreed and two months time was granted to the defendant therein, which included the present petitioner, to give possession to the plaintiff therein-Sohanjit Singh regarding the suit land. The said Sohanjit who has the decree dated 31.08.2001 in his favour has not been made a party in the present revision petition. The head note of the said judgment and decree which details the property regarding which



possession had been granted to Sohanjit Singh is reproduced hereinbelow:-

“Civil Suit No.160 of 15.6.1996

Decided on 31.8.2001

Sohanjit Singh s/o Sh. Gurcharan Singh, resident of House No.1915, Phase V, Mohali, Tehsil Kharar, District Ropar (Punjab).

....Plaintiff

Versus

- 1. **Baljit Singh S/o Hari Singh, resident of House No.1504, Sector 11-D, Chandigarh.***
- 2. Gurmit Singh s/o Sandhu Singh, resident of Village Dhanas, UT, Chandigarh.*

...Defendants

Suit for possession on the basis of title under Article 65 of Limitation Act "Bara" land measuring 0-17 Marlas, bearing in Khasra No.53(1-2), Khewat No.9, Khatauni No.9, H.B. No.15, situated at under Red Line at Village Dhanas, UT, Chandigarh on the basis of sale deed dated 15.6.1993 against the defendant No.1.

AND

In alternative suit for the recovery of Rs. 1,36,000/- with interest @ 12% per annum from 15.6.1993 till filing this suit against the defendant No.2.

The present petitioner was defendant no.1 and was proceeded against ex-parte in the same. A perusal of the said judgment and decree would show that Sohanjit Singh was claiming possession on the basis of registered sale deed dated 15.06.1993.

vi) **07.11.2014**

Application under Order 9 Rule 13 CPC filed by the present petitioner for setting aside ex-parte judgment and decree dated 31.08.2001.



vii) **07.07.2018 (Annexure P-12 page 85 of CR-2911-2025)**

The said application under Order 9 Rule 13 CPC was dismissed vide a detailed order by the trial Court.

Viii) **14.02.2025 (Annexure P-12 Page 79 of CR-3944-2025)**

Appeal filed by the present petitioner against the above said order dated 07.07.2018 was dismissed by the Additional District Judge, Chandigarh on the ground of limitation and thus, the order dated 07.07.2018 vide which the application filed by the petitioner under Order 9 Rule 13 CPC was dismissed, was upheld. The fact that appeal was dismissed is also apparent from the bare reading of the impugned order in the present case.

ix) **19.10.2007 (Annexure P-10 Page 74 of CR-2911-2025)**

The petitioner had also filed a suit for declaration to the effect that sale deed dated 15.06.1993 executed by Gurmit Singh in favour of Sohanjit Singh as well as sale deed dated 27.08.1991 executed by Baljit Singh (petitioner) in favour of Gurmit Singh as well as the decree dated 28.09.1992 were illegal, null and void on the plea of fraud. The head note of the said suit, which has also been reproduced in the impugned order, is reproduced hereinbelow:-

“Suit for declaration to the effect that the sale deed dated 15.06.1993 registered on 15.06.1993 bearing Register No. 518, Book No. 1 Volume No. 89, Page No. 42 executed by defendant no. 1 in favour of defendant no. 2 and sale deed dated 27.08.1991 registered on 27.08.1991 bearing Register No.1053, Book No. 1 Volume No. 83 alleged to be executed by plaintiff in favour of defendant no. 1 and the correspondents entries in the Revenue record and a decree passed on 23.09.1992 by the Hon’ble Court of Shri Gulab Singh, Sub Judge, 1st Class, Chandigarh in Civil Suit No. 247 dated 28.09.1992 titled as



*Gurmit Singh V/s. Baljit Singh as unlawful, null and void being collusive and illegal, void, ab-initio, **contrary to law, result of fraud, misrepresentation without any authority against the interest of the plaintiff and are liable to be set aside.** And further for permanent injunction for restraining the defendants from alienating the said property by way of sale, mortgage, gift or transfer in any manner whatsoever to anybody else on the basis of ownership.””*

Further perusal of the relevant portion of the plaint, which has also been reproduced in para 9 of the impugned order, would show that it was the case of the present petitioner that he learnt about the sale deeds in question in the year 1994. In the said suit, plea had been raised that the petitioner had never executed the sale deed of the year 1991 and further sale deed of the year 1993 executed by Gurmit Singh in favour of Sohanjit Singh was also not binding on the present petitioner. On further perusal of the impugned order, it is apparent that in the said suit, both Gurmit Singh and Sohanjit Singh had appeared and they had filed separate written statements.

x) **12.05.2012 (Annexure P-11 page 82 of CR-2911-2025)**

The said suit filed by the present petitioner was dismissed in default. Nothing has been shown to this Court to show that the said order dated 12.05.2012 was recalled. It is a matter of settled law that the registered sale deed can only be set aside by filing a civil suit and the civil suit filed by the petitioner in the year 2007 was dismissed in default and has not been restored till date.

xi) **27.03.2017 (Annexure P-9 page 71 of CR-2911-2025)**

The objections filed by the petitioner who is judgment debtor in the execution proceedings for executing judgment and decree dated



31.08.2001, were dismissed. A perusal of the above order would show that it was the case of the petitioner that there was a fraudulent sale by way of impersonation. The Executing Court however dismissed the said objection.

xii) **10.05.2019 (Annexure P-14 page 103 of CR-2911-2025)**

A detailed order was passed by the Civil Judge (Jr.Div.), Chandigarh vide which the application filed by the petitioner for recalling the order dated 20.07.2018/08.08.2018 allowing bailiff to break open the lock of the rooms situated in the land in dispute, was dismissed with the following observations:-

“...So, at this stage by no stretch of imagination, it can be assumed that the decree under execution was obtained by the DH by playing fraud upon the JD no. 1 or that the same was obtained by him in collusion with JD no. 2 Gurmit Singh. Hence, in view of the above discussion no ground is made out to recall the orders dated 20.07.2018/8.8.2018. Therefore, the present application dated 27.08.2018, filed by applicant-defendant no. 1 under Section 151 CPC for recalling the orders dated 20.07.2018/8.8.2018 is hereby dismissed.

8. Having said so, it is needless to say that any observations made hereby above would have no effect on the final outcome of the present case.

Pronounced in Open Court

10.05.2019

Sd/-Meenakshi Gupta, PCS

*Civil Judge (Junior Division),
Chandigarh. UID No. PB0369”*

xiii) **23.04.2025 (Annexure P-1 page 26 of CR-2911-2025)**

Application filed by the petitioner for staying the execution proceedings with respect to decree dated 31.08.2001 was dismissed by the trial Court. Abovesaid detailed facts were taken into consideration before



passing the order of dismissal.

xiv) **07.05.2025 (Annexure P-2 page 32 of CR-2911-2025)**

Appeal filed by the petitioner was also dismissed.

xv) **07.07.2025**

CR-2911-2025, in which challenge was laid to the orders dated 23.04.2025 and 07.05.2025 on the ground that the said orders were hit by fraud, was withdrawn. The said order dated 07.07.2025 has been reproduced in para 5 of the earlier part of the present judgment. The headnote of CR-2911-2025 is reproduced hereinbelow:-

“Civil Revision Petition under Article 227 of the Constitution of India for setting aside the impugned order dt. 23.4.2025 (Annexure P-1) passed by the Executing Court and the Impugned order dated 07.05.2025 (Annexure P-2) passed in appeal, which are hit by act of fraud and also the decrees obtained by Gurmit Singh has expired after 12 years of its date of grant i.e. 28.9.1992, in the interest of justice.

It is further prayed that during the pendency of this revision petition, the operation of Impugned Order dt. 23.4.2025 (P-1) may kindly be stayed, in the interest of justice. of justice.”

9. The petitioner however did not stop here and further moved an application after more than 25 years for recalling the judgment and decree dated 28.09.1992. The trial Court vide order dated 23.04.2025 dismissed the said application, which order has been challenged before this Court. A perusal of the order dated 23.04.2025 would show that it has been specifically observed by the Civil Court that the petitioner was aware of the execution of the sale deeds dated 27.08.1991 and 15.06.1993 and the judgment and decree dated 28.09.1992 passed in Civil Suit bearing No.247



dated 26.09.1991 in the year 1994 itself. For the said purpose, reliance was placed upon pleadings of the suit filed by the petitioner in the year 2007, relevant portion of which was reproduced in paras 8 and 9 of the impugned order, as per which, it was observed that it was the own case of the petitioner that he had learnt about the sale deeds in the year 1994 and also of decree passed in the year 1992 and in fact, had laid specific challenge to the sale deeds as well as decree dated 28.09.1992. It was observed that the application had been filed after several years from the passing of and the knowledge of the judgment and decree dated 28.09.1992 and thus, application for recalling/review of the said judgment was barred by limitation. For the said purpose, reference was made to Section 124 of the Limitation Act which provides 30 days time for review of a judgment by the Court, from the date of the decree i.e., 28.09.1992, in the present case. In addition to the above, it was observed that the petitioner was filing one application after another in order to delay the execution of the judgment and decree dated 31.08.2001 for possession passed in favour of Sohanjit Singh. Details of the proceedings filed as well as objections raised were specifically mentioned in the order dated 23.04.2025. It was further observed that the petitioner was not able to show any fraud or misrepresentation in the case and thus, the application for recalling was dismissed. The abovesaid facts clearly show that the application filed by the petitioner for recalling the judgment and decree dated 28.09.1992 is both barred by limitation and is also meritless.

10. Registered sale deed dated 27.08.1991 executed by petitioner in favour of Gurmit Singh, reading of which shows that the suit property was



sold for valuable consideration, as well as subsequent sale deed dated 15.06.1993 executed by Gurmit Singh in favour of Sohanjit Singh have not been set aside till date. The suit filed by the petitioner to challenge the said sale deeds was admittedly dismissed in default on 12.05.2012 and has not been restored till date. It is a matter of settled law that for setting aside or for declaring registered sale deeds to be illegal, null and void, it is necessary to have a declaration to the said effect for setting aside the same from the Civil Court. There is no such decree/declaration in favour of the petitioner. Additionally, the suit filed by Gurmit Singh against the present petitioner was decreed on 28.09.1992. A perusal of the judgment dated 28.09.1992 (Annexure P-2) would show that it was specifically recorded in para 5 that notice was issued to the present petitioner who was defendant in the said suit and he had appeared through his counsel. Nothing has been shown to this Court to show that the petitioner was not served in the said suit or did not engage Ajit Pal Singh as his counsel.

11. Sohanjit Singh who had purchased from Gurmit Singh had also filed a suit on 15.06.1996 and the present petitioner was defendant No.1 in the said suit and Gurmit Singh was defendant No.2 in the same and the said suit was decreed vide judgment and decree dated 31.08.2001 (Annexure P-7 page 63 of CR-2911-2025); although the said judgment and decree was ex parte but the application filed by the petitioner under Order 9 Rule 13 CPC has been dismissed and appeal therefrom has also been dismissed. Thus, even judgment dated 31.08.2001 is final and binding on the present petitioner. The said Sohanjit Singh who had a subsequent registered sale deed in his favour and also has subsequent judgment and decree in his favour has not been



made a party in the present proceedings or in the present revision petition. The objections filed by the petitioner in execution proceedings with respect to decree dated 31.08.2001 have also been dismissed. It is thus, apparent that the petitioner has no ownership rights left with respect to land measuring 1 kanal 2 marlas and thus, claim of the petitioner is meritless. Much water has flown under the bridge prior to the filing of the application for recalling of judgment and decree dated 28.09.1992. The said application which had been filed after more than 25 years from passing of the judgment and decree dated 28.09.1992, is barred by limitation and is also meritless and thus, has been rightly dismissed by the trial Court vide order dated 23.04.2025. Moreover, no appeal has been filed by the petitioner against the judgment and decree dated 28.09.1992 and thus, on the said ground also, the present civil revision filed under Article 227 of the Constitution of India deserves to be dismissed.

12. The judgment of the Hon'ble Supreme Court in the case of ***United India Insurance Company Limited*** (Supra) relied upon by the learned counsel for the petitioner does not further the case of the petitioner in any manner as the said judgment is on completely different facts. In the case before the Hon'ble Supreme Court, the insurance company had filed applications under Sections 151, 152 and 153 CPC immediately after the Tribunal passed the awards, for recalling the said awards on the ground that new facts regarding injuries having been sustained by the claimants had come about and that the claimants had played fraud with the Tribunal. In the said case, two claim petitions were filed by the claimants for awarding compensation for injuries suffered by them in an accident which happened on 09.11.1993. It was the case of the claimants therein that the claimants were



travelling on a motorcycle when an ambassador car driven by Jai Parkash colluded with the said motorcycle. The said ambassadar car was insured and thus, two separate awards were passed in favour of the said two claimants. After about 4 months, a person visited the office of the Insurance Company and gave a copy of the report prepared by the Assistant Sub Inspector of Police dated 09.11.1993, as per which the said claimants had received injuries in completely different circumstances and at a completely different place, while they were operating their own tractor, which had fallen in a ditch. On enquiries made, the Insurance Company laid hands on certain statements made by the claimants and others, as per which also, the accident on 09.11.1993 had taken place when the tractor-trolley had slipped into the pit. Immediately on learning about the said facts, the Insurance Company filed applications for recalling the awards on the ground of fraud, which was rejected solely on the ground that there was no power of review with the Tribunal. It was observed by the Hon'ble Supreme Court that the Insurance Company had come to know about the fraud subsequently when the abovesaid facts had emerged and no purpose would be served by filing an appeal, as in the appeal, only the issues which had already been formulated would be considered. It was further observed that the High Court while dismissing the petition had granted liberty to the Insurance Company to avail legal remedy as is available to them but had not indicated the remedy. In para 13 of the said judgment it was observed that the money which had been paid with respect to the false claim to the claimants was public money and there was justification for the insurance company to approach the tribunal in order to bring to the notice of the tribunal the facts which were earlier not in its



knowledge, but which made out a case of fraud. It was further the case of the insurance company that at the stage when the awards were being passed, the insurance company had no knowledge about the fraud which had been played by the claimants and it was only after passing of the awards that new facts had been discovered which showed a high degree of fraud and in the said circumstances, the Hon'ble Supreme Court had allowed the appeals and set aside the impugned order passed by the tribunal and had directed that the matters be decided afresh by the Tribunal after affording reasonable opportunities to the appellant therein-insurance company to substantiate its allegations. In the abovesaid case before the Hon'ble Supreme Court neither there was any issue of registered sale deeds having been executed nor was there any binding Civil Court judgment and the fraud was prima facie established on the basis of the new facts which had emerged. In the present case, the petitioner was a party to the judgment and decree dated 28.09.1992 as well as judgment dated 31.08.2001 and also to the registered sale deed dated 27.08.1991 and no substantial fact has been highlighted on behalf of the petitioner to show fraud.

13. 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.

14. Keeping in view the above said facts & circumstances, this Court is of the opinion that the impugned order dated 23.04.2025 and the impugned judgment dated 28.09.1992 does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned orders are upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

15. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

12.08.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No