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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(130)

CR-1571-2025

Date of decision: - 17.03.2025

Guddi Devi

...Petitioner

Versus

Narender and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashish Arora, Advocate
for Mr. Amit Kumar Jain, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 05.03.2025 passed by the Additional Civil Judge (Sr. Division), Narwana, whereby application for directing the plaintiff to give specimen signatures and handwriting for comparison by the expert has been dismissed.

2. A perusal of the plaint dated 13.11.2014 would show that respondent No.1 had filed a suit for declaration and permanent injunction. The defendant No.1-Om Parkash and defendant No.2 were brothers and sons of Ram Dhari while defendants No.3 and 4 were grandsons of Ram Dhari. The present petitioner is the daughter of Ram Dhari and is thus sister of the said defendant No.1-Om Parkash and defendant No.2. It is



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not disputed before this Court that no relief was claimed against defendant No.9/petitioner and the said defendant No.9/petitioner was proceeded against ex-parte and on 01.03.2024 the case was fixed for DWs, rebuttal and arguments and thereafter, was adjourned to 05.03.2024, 18.03.2024 and 01.04.2024 and it was on 01.04.2024, the application for setting aside ex-parte order was filed by the said defendant No.9/petitioner, which was allowed on 15.04.2024. To further delay the proceedings in collusion with defendant No.1, although admittedly no relief has been claimed against the petitioner/defendant No.9, the application was filed by the petitioner/defendant No.9 seeking direction to the plaintiff to give specimen signatures and handwriting for comparison by handwriting expert.

3. The trial Court vide order dated 05.03.2025 dismissed the said application by observing that the defendant No.1 had contested the suit, adduced evidence and the case was fixed for rebuttal evidence, when the present petitioner rose like a phoenix in order to contest the suit in spite of the fact that the petitioner was not the beneficiary of either of the impugned documents and also in spite of the fact that the respondent No.1-plaintiff was not seeking any relief against the petitioner. It was further observed that the Court had no hesitation in holding that the present petitioner was doing the same in collusion with defendant No.1 and only purpose for which the application was filed was to fill up the lacunas left by defendant No.1. It was also observed that the document (Ex.DA) referred to in the application was only a photocopy and that the



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document Mark-DB was not referred to in the pleadings and thus, was beyond pleadings. It was also observed that the present petitioner was neither the executant of documents nor was a witness nor the affected party and that the suit had been pending for a period of more than 10 years.

4. The above-said observations in the impugned order were not shown to be perverse or illegal. From the above-said undisputed facts, it is apparent that the sole purpose of filing the present application was to delay the proceedings, inasmuch as, it is undisputed that there is no relief claimed against the petitioner nor the petitioner is the beneficiary or party to the document which is sought to be challenged in the suit.

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

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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, this Court is of the opinion that the impugned order 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 order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

March 17, 2025
naresh.k

(VIKAS BAHL)
JUDGE

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| Whether reasoned/speaking? | Yes |
| Whether reportable? | Yes |