



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

124

CR-2734-2025

Date of Decision: 06.05.2025

Harnek Singh

....Petitioner

Versus

Malkeet Singh and others

....Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. JK Singla, Advocate for the petitioner.

**NIDHI GUPTA, J.**

1. The present Civil Revision Petition has been filed by the plaintiff/decreed holder under Article 227 of the Constitution of India, for setting aside the order dated 22.04.2025 passed by the learned Additional Civil Judge (Senior Division), Phul, whereby the application dated 11.03.2025 (AnnexureP-7) for examination of Fingerprint and Handwriting Expert filed by Judgment-Debtors/respondents No. 1 to 5F herein, has been allowed.

2. Brief facts of the case are that the petitioner along with other persons/respondents No. 6 to 7D herein, had filed a Civil Suit No. 225 dated 13.02.2015 for possession by way of partition of *Gair Mumkin* land measuring 1 Kanal 13 marlas as per Jamabandi 2010-11. The said suit was decreed by the learned trial Court vide judgment and decree dated 16.02.2016 (Annexure P-1) and preliminary decree was passed. The respondents filed appeal against the aforesaid judgment and decree dated 16.02.2016. However, the said appeal was withdrawn by them vide order dated 01.02.2018 (Annexure P-2), on the statement made by their counsel



that a compromise had been affected between the parties and, therefore he did not wish to pursue the appeal.

3. Accordingly, the plaintiffs/Decree-Holders filed an application dated 13.02.2019 (Annexure P-3) for passing of final decree in terms of judgment and decree dated 16.02.2016 (Annexure P-1). The said application dated 13.02.2019 was resisted by the respondent/Judgment-Debtors by filing reply dated 20.08.2019, *inter alia*, stating therein that the application for passing final decree was not maintainable as, it was filed on the basis of incorrect facts. It was alleged that the Decree-Holders have no concern or share in the suit land, in view of compromise effected between the parties whereby the Decree-Holders have left their land in favour of the respondent/Judgment-Debtors after receiving their agricultural land. The Decree-Holders filed rejoinder dated 21.03.2022 (Annexure P-5) to the aforesaid reply denying the averments of the respondent. On the basis of pleadings of the parties, following issues were framed by the learned Executing Court, vide order dated 07.12.2024 (Annexure P-6):-

1. Whether compromise dated 11.08.2016 was effected between both the parties in respect of property in dispute? OPR
2. If so, whether vice that compromise, parties have already got separated possession by way of partition of suit property? OPR
3. Whether the present application is not maintainable? OPR
4. Relief.”

4. It is in these proceedings i.e. Application (Annexure P-3), filed by the petitioner for passing of final decree, that the Judgment-Debtors/respondents No. 1 to 5F herein, have filed the present application dated 11.03.2025 (Annexure P-7) for examination of Fingerprint and



Handwriting Expert for the purpose of comparison of signatures and thumb impressions of the Decree-Holders as the respondents are disputing the compromise. The petitioner is aggrieved as the said application has been allowed vide the impugned order dated 22.4.2025.

5. After arguing for some time, when this Court is not inclined to interfere in the matter on merits, learned counsel for the petitioner submits that he does not want to press the present petition. However, submits that application(Annexure P-3)filed by the petitioner for passing of final decree in terms of judgment dated 16.2.2016, is pending adjudication before the Id. Executing Court for the last 06 years since 13.2.2019. It is accordingly prayed that at this stage, petitioner would be satisfied if a direction is issued to the Id. Executing Court to decide the aforesaid application dated 13.2.2019 (Annexure P-3) in a time bound manner.

6. Heard.

7. Keeping in view the above facts, and without going into the merits of the matter, the present revision petition is **dismissed as not pressed**, with a direction to the learned Executing Court to decide the application dated 13.02.2019 (Annexure P-3) expeditiously and preferably within a period 08 months from today, in accordance with law.

8. Pending application(s), if any, shall also stand disposed of.

06.05.2025  
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( NIDHI GUPTA )  
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No