



2026:PHHC:054869



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

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CR-3104-2026

Date of decision :09.04.2026

GURNAM SINGH

... PETITIONER

VERSUS

GURDEEP KAUR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. Present revision petition under Article 227 of the Constitution of India has been preferred by petitioner–defendant No. 2 being aggrieved by the impugned order dated 25.03.2026 (Annexure P-13) passed by the learned Additional Civil Judge (Senior Division), Nabha, whereby an application filed by defendant No. 2 seeking permission to examine a handwriting and fingerprint expert for comparison of his thumb impression on the Vakalatnama, allegedly filed on his behalf by Sh. R.I.S. Majhail, Advocate, with his standard thumb impression, was dismissed.

2. The facts of the present case are not in dispute. Notice of the suit filed by the plaintiffs–respondents was issued to both the defendants, i.e. defendant Nos. 1 and 2, for 10.03.2021. The summons were duly served upon defendant No. 1 through his nephew, Gurvinder Singh, whereas summons to defendant No. 2 were also duly served through his grandson, Gurvinder Singh, an adult member of his family

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3. Thereafter, Sh. R.I.S. Majhail, Advocate, appeared and filed a Vakalatnama on behalf of both the defendants, and a joint written statement was also filed. Subsequently, issues were framed and evidence was led by both the parties. The suit had reached the stage of rebuttal evidence and arguments. At this advanced stage, defendant No. 2 moved an application seeking permission to examine a handwriting and fingerprint expert to compare his thumb impression on the Vakalatnama allegedly filed on his behalf by Sh. R.I.S. Majhail, Advocate with his standard thumb impression, thereby disputing the authenticity of the Vakalatnama. In essence, defendant No. 2 seeks to resile from the proceedings by taking a plea that he had never appeared in the matter and is entitled to contest the suit afresh.

4. The learned trial Court has rightly appreciated the facts of the case. It has been duly noticed that defendant No. 2 was validly served through his grandson, Gurvinder Singh, an adult family member. The petitioner has not denied that Gurvinder Singh was not residing with him or that such service was invalid as Gurvinder Singh was not adult member. The only plea raised in the present case is that defendant No. 2 had never engaged Sh. R.I.S. Majhail, Advocate as his counsel.

5. No action has been taken by defendant No. 2 against the said counsel, who has been appearing on his behalf for the last four years on the strength of the allegedly forged thumb impression, even after filing of present application.

6. The learned trial Court has, therefore, correctly concluded that the application, filed after a delay of about six years from the institution of the suit and four years after filing of the Vakalatnama and written statement, is not maintainable.



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7. I find that the application preferred by defendant No. 2 is a clear attempt to delay the proceedings of the case at the final stage. In the absence of any specific plea challenging the validity of service through an adult family member, the contention raised by petitioner-defendant No. 2 cannot be accepted.

8. Accordingly, finding no merit in the present revision petition, the same is hereby dismissed.

9. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

09.04.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No