



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

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RA-CR-71-2026 in
Civil Revision No.2193 of 2019
Date of decision :-15.05.2026

Joginder Singh and another

.....Review Applicant/Petitioner

Versus

Hari Singh and others

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Harpal Singh Sirohi, Advocate
for the review-applicant/petitioner.

NIDHI GUPTA J. (Oral)

The present application has been filed seeking review of the order dated 25.03.2026 passed by this Court in CR-2193-2019 and connected matter, whereby both the Civil Revision Petitions preferred by the review-applicant/petitioner came to be dismissed.

Learned counsel for the review-applicant has sought review of the aforesaid order primarily on the ground that the learned Trial Court had wrongly placed the onus upon the plaintiffs to prove that the Will dated 03.05.2000 was forged and fabricated, despite the fact that the said Will had been propounded by defendant No.1/respondent No.1. It is further contended that the application



seeking examination of Handwriting Expert was wrongly dismissed and that an additional issue regarding execution of the Will ought to have been framed by the learned Trial Court. Reliance has also been placed upon the judgment of the Hon'ble Supreme Court in ***K.K. Velusamy vs. N. Palanisamy, 2011 (11) SCC 275*** to contend that additional evidence can be permitted in exercise of inherent powers of the Court even at a later stage if the same is necessary for proper adjudication of the matter.

I have heard learned counsel for the review-applicant and have carefully perused the review application as well as the order sought to be reviewed.

At the outset, it requires to be noticed that the scope of review jurisdiction is extremely limited. A review petition cannot be treated as an appeal in disguise. Unless there is an error apparent on the face of the record, discovery of new and important matter which despite due diligence could not be produced earlier, or any other sufficient reason analogous thereto, the order under review cannot be reopened merely because another view is possible or because the applicant seeks rehearing of the matter on merits.

A perusal of the present review application shows that the review-applicant has virtually sought re-argument of the entire matter by reiterating the very same submissions which had already been considered and adjudicated upon by this Court while passing the detailed order dated 25.03.2026.



This Court, while dismissing the Civil Revision Petitions, had specifically noticed that the Will dated 03.05.2000 had been referred to by respondent No.1 in the written statement itself and the petitioners had also challenged the same in their replication by alleging it to be forged and fabricated. Consequently, issue No.2 had already been framed on 05.10.2015 in the following terms:-

“Whether the Will dated 03.05.2000 executed by Saran Kaur in favour of defendant No.1 is wrong, forged and fabricated, procured by defendant No.1 in connivance with witnesses? OPP”

This Court had further observed that once the petitioners themselves had specifically pleaded forgery and fabrication of the Will, the burden to substantiate the said plea in affirmative evidence was upon them. However, no such evidence was led during the affirmative evidence of the plaintiffs. Rather, after closure of plaintiffs’ evidence on 24.05.2017 and closure of defendants’ evidence on 22.10.2018, the petitioners moved applications at the fag end of the trial seeking examination of Handwriting Expert and framing of additional issue.

For reference, paras 8 and 9 of the order dated 25.3.2026 are reproduced herein below :-

“8. The petitioners and performa respondents have filed Civil Suit No. 59484 of 2013 seeking declaration that plaintiffs and performa respondents are owners in possession to the extent of 1/2 share in the suit land measuring 18K 1M, which was previously in the ownership of Sharan Kaur. The record reveals that Issues in the suit



were framed vide order dated 05.10.2015; plaintiffs' evidence was closed on 24.05.2017; and defendants' evidence was also closed on 22.10.2018. It is at this stage, that the petitioners moved the instant application dated 13.03.2018 for framing of additional issue; and application dated 15.11.2018 for allowing Handwriting Expert to examine signatures of Sharan Kaur and Sadhu Singh, Lamberdar. Respondents had resisted the applications by filing 2 separate replies dated 26.11.2018 to the aforesaid applications of the petitioners. Vide impugned order dated 20.12.2018 (Annexure P-3 in CR-2193-2019), application for examining Handwriting Expert in rebuttal evidence was dismissed; and vide impugned order dated 17.03.2019 (Annexure P-4 in CR-2220-2019), application filed by the petitioners for framing of additional issue was dismissed.

9. From the above facts, it is clear that applications have been moved by the petitioners at fag end of the trial. As admitted by learned counsel for the petitioners, Will dated 03.05.2000 had been duly mentioned by the respondent No.1 in his written statement to the suit. On a Court query, learned counsel for the petitioners has admitted that in his replication to the suit, petitioner had taken objection that the said Will is a forged and fabricated document. Accordingly, while framing issues vide order dated 05.10.2015, learned Trial Court had duly framed proper issues, which are as under: -

- "1. Whether the plaintiff and defendant 2 to 12 are owners and in possession*



- the land in dispute to the extent of share? OPP*
2. *Whether the will dated 3.5.2000 executed by Saran Kaur in favour of defendant no.1 is wrong, forged and fabricated procured by defendant no.1 in connivance by witnesses? OPP*
3. *Whether the plaintiff is entitled to consequential relief of permanent injunction as prayed for? OPP*
4. *Whether the suit is not maintainable? OPD*
5. *Relief."*

The review-applicant has failed to point out any patent illegality or error apparent on the face of the record in the aforesaid findings recorded by this Court.

The contention now sought to be raised that a separate issue ought to have been framed casting onus upon defendant No.1 to prove the execution of the Will, had already been specifically dealt with in the order dated 25.03.2026. This Court had categorically held that issue No.2 already encompassed the controversy regarding genuineness and execution of the Will and that the petitioners could not be permitted at such a belated stage to seek reframing or recasting of issues, particularly when no objection had been raised at the time of framing of issues in the year 2015.

Even otherwise, merely because another issue could also have been framed in a different manner would not constitute a ground



for review of the judgment. Review jurisdiction is not meant for substituting one possible view with another.

The reliance placed by the review-applicant upon the judgment in *K.K. Velusamy's* case (supra) is also wholly misconceived. The said judgment only recognizes the inherent powers of the Court in exceptional circumstances. However, exercise of such discretion depends upon the facts of each case. In the present matter, this Court had already considered the factual position that the applications had been moved after closure of evidence and at the final stage of trial despite the petitioners being fully aware of the plea regarding the Will since filing of the written statement. Thus, no exceptional circumstance warranting interference was found to exist.

Significantly, the review application does not disclose discovery of any new and important matter or evidence which was not within the knowledge of the review-applicant at the time of passing of the order dated 25.03.2026. Rather, the entire endeavour of the applicant is only to persuade this Court to take a different view on the same set of facts and submissions already considered earlier, which is impermissible in review jurisdiction.

It is well settled that rehearing of the matter and re-appreciation of the entire controversy on merits falls outside the purview of review proceedings. A review cannot be allowed merely because the applicant is dissatisfied with the conclusions arrived at by the Court.



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This Court finds no error apparent on the face of the record warranting review of the detailed order dated 25.03.2026.

Accordingly, finding no merit in the present review application, the same is **dismissed**.

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

May 15, 2026

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No