HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 24708/2025

Rajesh Kumar S/o Late Hiralal, Aged About 55 Years, Resident Of 13, Bhalawaton Ka Bass, Pali, Rajasthan.

----Petitioner

Versus

1. Shri Anand Kumar S/o Late Shri Hiralalji, Resident Of 82 Bhalawaton Ka Bas, Pali, Raj.
2. Shri Omprakash S/o Late Shri Hiralalji, Resident Of 20 Dhol Chautara, Opposite Power House, Pali, Raj.
3. Shri Manraj S/o Late Shri Hiralalji, Resident Of 65, Veer Durgadas Nagar, Pali, Raj.
4. Smt. Kamaladevi W/o Late Shri Mohanlalji, Resident Of 52, Bhalawaton Ka Bas, Pali, Raj.
5. Shri Rajiv Alias Ramesh S/o Late Shri Mohanlalji, Resident Of 52, Bhalawaton Ka Vaas, Pali, Raj.
6. Shri Anil S/o Late Shri Mohanlalji, Resident Of 52, Bhalavat Ka Bas, Pali, Raj.
7. Smt. Jamnadevi W/o Late Shri Heera Lal Ji, Resident Of 13, Bhalawatonka Bas, Pali, (Raj). (Since Deceased
8. Shri Kamal S/o Shri Magaraj, Resident Of 65, Veer Durgadas Nagar, Pali, Raj.
9. Shri Yogesh S/o Shri Om Prakashji, Resident Of 20, Dhola Chautara, Opposite Power House, Pali, Raj.
10. Mrs. Kanyadevi W/o Mr. Anand Kumar, Resident Of 82, Bhalawaton Ka Bas, Pali, Raj.
11. Mr. Sunil S/o Mr. Anandkumar, Resident Of 82, Galawaton Ka Wara, Pali, Raj.
12. Shri Amit S/o Shri Anand Kumar, Resident Of 82, Bhalavat Ka Bas, Pali, Raj.
13. Smt. Shakuntala Alias Chukiyadevi W/o Shri Om Prakashji, Resident Of 20, Dhola Chautara, Opposite Power House, Pali, Raj.
14. Smt. Kamaladevi Alias Chukiyadevi W/o Shri Magarajji, Resident Of 65, Veer Durgadas Nagar, Pali, Raj.
15. The Sub-Resistrar, Pali, Raj.
16. The District Collector, By The State Of Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Sajjan Singh Mr. Prashant Tatia
For Respondent(s)	:	Mr. Rajesh Parihar Mr. Abhinav Pareek

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

ɔrtable

19/01/2026

1. The present writ petition has been preferred challenging order dated 17.09.2025 passed by the learned Additional District Judge, Pali ("the learned Trial Court") whereby application filed on behalf of the petitioner–plaintiff under Sections 138 and 145 of the Indian Evidence Act, 1872 (hereinafter referred to as "the Act") was rejected. By the said application, the petitioner–plaintiff sought permission to confront the defendants' witnesses with respect to the signatures affixed on a document while concealing the entire text of the document in question.

Petitioner has also challenged order dated 14.11.2025 passed by learned trial Court whereby application of similar nature filed by petitioner-plaintiff was rejected and his right to cross-examine the witnesses was closed.

2. Brief facts giving rise to present writ petition are that, the petitioner-plainitff filed a suit for declaration, partition and injunction against defendants in connection with property known as Marudhar Hotel, NH – 14, Pali-Sumerpur Road, Pali. It is averred in the plaint that plaintiff and defendant Nos.1 to 14 are successors of late Hiralal Ji and having share in the joint Hindu

Undivided Family. Further, that late Hiralal Ji has acquired various properties out of the funds from family business carried out jointly by family members and the property in question i.e. Marudhar Hotel was also a property of joint Hindu family unit.

2.1 It was further stated that although a family settlement was arrived at between parties on 23.06.1988, however, defendants have decided to sale the property in question while bypassing the rights, title and interest of the plaintiff. Same has given rise to cause of action to petitioner-plaintiff to prefer the present suit.

2.2 Defendant Nos.1 to 10 contested the suit by way of filing written statement denying averments of the plaint stating therein that alleged family settlement document dated 23.06.1988 is a forged document and also denied fact that property in question is a property of joint Hindu family unit.

2.3 On the basis of pleadings of the parties, issues were framed on 20.04.2006, and an additional issue was framed on 02.08.2006. Plaintiff's evidence has already been concluded.

2.4 At the stage of examination of defendant No. 1, an application under Sections 138 and 145 of the Act was filed, stating therein that proof of signatures on the document is a necessary issue and, therefore, plaintiff is legally entitled to confront the witnesses with regard to the signatures of defendants on the documents for the purpose of testing witness's authenticity in respect of the signatures. By way of the said application, a prayer was made that objection raised by defendants' counsel to confront the witnesses only with regard to the signatures, while hiding entire text of the document, be disallowed.

2.5 Said application was opposed by defendants by filing reply, stating therein that petitioner has misconstrued the provisions of law and that permission to confront the witnesses with regard to the signatures while concealing the original document, cannot be granted.

2.6 Learned trial Court vide order dated 17.09.2025 dismissed said application and accepted defendants' objection observing that while confronting witness with a document, entire document must be shown and that concealing the text of the document while displaying only the signatures is not a practice permissible in the eye of law.

2.7 Thereafter, petitioner again filed an application on 17.10.2025 stating therein that proof of signature whether through persons familiar to them, successors of the executant or expert opinion, is in the nature of expert evidence and in such circumstances, the entire document is not required to be disclosed as plaintiff only wishes to confront the witnesses with regard to signature alone. By the said application, prayer was made to overrule the repeated objection raised in this regard on behalf of defendants.

2.8 Learned Trial Court vide its order dated 14.11.2025 decided the said application by observing that the witness had already deposed that he could not identify his own signatures if rest of the contents of document were concealed, and in these circumstances, the plaintiff could not be permitted to confront the said witness with regard to the signatures of other family members while concealing the contents of the document.

Learned trial Court further observed that cross-examination of the witness had been conducted on 10 different dates, running into 62 pages, and that the same was being delayed by way of filing various applications in between. On such findings, learned trial Court, vide order dated 14.11.2025, closed the plaintiff's right of cross-examination.

Said orders dated 17.10.2025 as well as 14.11.2025 are challenged in the present writ petition.

3. On behalf of petitioner, learned counsel Mr. Prashant Tatia argued that rejection of application by learned trial Court is in clear violation of Sections 138 and 145 of the Indian Evidence Act. It is contended that permission to confront witnesses while concealing rest of the contents of document is an accepted mode of evidence, known as "pigeon-hole theory," to test the truthfulness and correctness of the statement of a defendant with regard to the signatures on a document. It is stated that refusal to allow such way of evidence has caused gross injustice to the petitioner.

In support of his submissions, counsel for the petitioner has relied upon judgment of this Court in ***Ratanlal Vs. Smt. Kamla Devi : 1992 AIR Rajasthan 1.***

3.1 Counsel for the petitioner further argued that, as a matter of fact, the witness himself has stated that he can identify the signatures; therefore, the objections raised in this regard and rejection of application by the learned trial court are not justified. It is further submitted that the closure of the right to cross-examination by the learned trial court is wholly unjustified.

4. Per contra, Mr. Rajesh Parihar, learned counsel for the respondents, argued that the impugned orders passed by the learned trial Court are absolutely justified and in consonance with the provisions of law. Learned counsel submitted that the manner in which the petitioner attempted to confront the defendant's witness was deceptive in nature, and therefore, permission for the same was rightly denied by learned trial Court. It is further contended that even after order dated 17.09.2025, the petitioner filed an application of a similar nature, which was in effect a review of earlier order dated 17.09.2025, and the same was rightly rejected by the learned trial Court.

4.2 Learned counsel for the respondent further argued that original suit has been pending trial for the last two decades and issues were framed way back in the year 2006. It was contended that repeated applications have been filed with the intent to delay the suit proceedings. Thus, closure of opportunity for cross-examination was absolutely justified.

4.3 In support of his submissions, counsel for respondents placed reliance of the following judgments :

(i) Perumal Vs. V. Balasubramanian : 2011 SCC online Mad 158,
(ii) Devaraj Vs. Dayarathini & Ors. : 2020 SCC Online Kar 1662
(iii) Chhabil Das Vs. Pappu : 2007 (1) CCC 183 (SC)
(iv) Bhanu Kumar Jain Vs. Archana Kumar & Anr. : 2005 (1) CCC 725.

5. Heard counsel for the parties and perused the material available on record.

6. While challenging the validity of order dated 17.09.2025, learned counsel for petitioner submitted that defendant's witness,

in his examination-in-chief, admitted his own signatures as well as those of his brothers, Mohan Lal and Magraj, on certain documents, while denying his signatures on Exhibits-1 to 6. Since specific statements regarding admission or denial of signatures on documents were made by the said witness, thus, in order to ascertain the veracity of the said statements, petitioner was entitled to cross-examine and confront the witness by adopting "window method" or "pigeon-hole method".

6.1 It was further submitted that objection raised by counsel for the defendant - Om Prakash (DW-2) to confront the witness only with respect to the signatures on different documents while concealing rest of the contents thereof, ought to have been overruled, and necessary permission in this regard ought to have been granted in favour of the plaintiff. Said application was filed under Sections 138 and 145 of the Indian Evidence Act. For ready reference, Section 138 and 145 of the Act are reproduced as under:-

> ***"138. Order of Examination:-*** *Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.* The examination and cross-examination must relate to relevant facts but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.
>
> **Direction of re-examination**: The re-examination shall be directed to the explanation of matters referred to in cross-examination; and, if new matter is, by permission of the Court, introduced in re-examination, the adverse party may further cross-examine upon that matter.
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> ***145. Cross-examination as to previous statements in writing****-- A witness may be cross examined as to*

previous statements made by him in writing or reduced into writing, and relevant to matters in question, without such writing being shown to him, or being proved; but, if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him."

6.2 A plain reading of said provision Section 138 of Evidence Act shows that the same deals with order of examination of witnesses i.e. examination-in-chief, cross-examination, and re-examination. The said provision further stipulates that examination and cross-examination must relate to relevant facts and need not be confined to the facts testified to by the witness during examination-in-chief. The scope and object of re-examination is also explained under Section 138 of the Act.

Section 145 of the Act deals with the situation where a witness is to be cross-examined as to previous statement made by him in writing or reduced in writing without such writing being shown to him or being proved for the purpose of contradicting him.

6.3 During course of arguments, learned counsel for petitioner also referred to Sections 45, 47, 67 and 73 of the Evidence Act. For ready reference, the same are quoted below:

*"**45. Opinions of experts**.–When the Court has to form an opinion upon a point of foreign law or of science, or art, or as to identity of handwriting 2[or finger impressions], the opinions upon that point of persons specially skilled in such foreign law, science or art, 3[or in questions as to identity of handwriting] 2[or finger impressions] are relevant facts.*

47. Opinion as to hand-writing, when relevant.–– *When the Court has to form an opinion as to the person by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.*

67. Proof of signature and handwriting of person alleged to have signed or written document produced.– *If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.*

73. Comparison of signature, writing or seal with others admitted or proved.– *In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.*

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person."

6.4 Section 45 deals with definition of expert and Section 47 provides that how far an opinion / statement of a person acquainted with the hand writing of other person is relevant. Section 67 provides that if a document is alleged to be signed or written by a person, then the same must be proved to be in his hand-writing. Section 73 provides for comparison of signature,

writing or seal and the power of the Court to direct the person to write or sign before the Court for such comparison.

6.5 This Court is unable to persuade itself about applicability of the said provisions in the peculiar facts of the present case so also the prayer made by petitioner before learned trial Court for confronting a witness while only showing the signatures and hiding rest of the contents of the said document. None of the said provision is specifically provides for the method of examination proposed by the petitioner to confront the witness with regard to a particular part of the document while hiding the rest of the documents.

6.6 Counsel for the petitioner fairly admitted that the law of evidence does not specifically provide for cross-examination of a witness by confronting them with only a particular part of a document while concealing the rest. However, counsel submitted that this method of confronting a witness has evolved over the time and known as "Pigeon Hole Method / Window Method". Counsel for the petitioner stated that such method has been approved by courts of law in certain cases.

6.7 In support of his arguments, counsel for the petitioner relied upon judgment in the case of ***Ratan Lal*** (supra). The relevant part of the same is reproduced as under:-

> *"…… …… ….*
> *The method of showing the signatures of Mohanlal on admitted documents is not only effective but* ***the only method of testing the veracity of the witness whether he is speaking truth or not and a party is fully entitled to put such type of questions when a witness comes and gives***

statement like a handwriting expert, denying the signatures. *Non-allowing such questions to be put to the witness will amount to refusing to allow the cross-examination which will amount to great injustice. Cross-examination is the only weapon with the adverse side to test the veracity and the correctness of the statement' of the witness who has deposed on oath and if such an order is not interfered with, it is likely to affect the merits of the case and ultimately when' the appeal is filed and the appellate court finds that such a question should have been allowed and non-allowing such a question has prejudiced the party, the case will have to be remanded back to the trial Court which will amount further delay in dispensation of justice. The Rules of procedures are the handmaids of justice and not the mistress of the justice. In this connection, reference may be made to A.R. Antulay v. R.S. Nayak : (1988) 2 SCC 602 : (AIR 1988 SC 1531)*

6.8 Although in the case of ***Ratan Lal (supra)***, this Court has referred to the method of "pigeon hole theory" to test the truthfulness and correctness of the statements of a witness regarding some signatures, however, the same is required to be seen in the contest in which such method was allowed. This Court in the case of Ratan Lal (supra) has clearly observed that the method of showing signatures on admitted documents can be adopted when a witness comes and gives statement like a handwriting expert, denying the signatures.

6.9 However, in the present case, the petitioner has failed to establish that the statements of the defendant's witness were in the nature of hand-writing expert which may justify the invocation of "pigeon hole" theory. As a matter of fact, the application of the

petitioner was based upon a fact that during the cross-examination, the witness has admitted that he can recognize the signatures of other witnesses, thus the objection raised by the counsel for the defendant was unjustified.

The said fact was vehemently disputed by the counsel for the respondent by contending that the petitioner has tried to misconstrue statement of the witness and tried to read the same in isolation as per his own convenience. While referring to the cross-examination of witness – Omprakash, it is argued that said witness specifically stated that if the entire document is not shown he cannot recognized his own signatures. Regarding signatures of other brothers, the witness stated that perhaps he might recognized the signatures of other brothers. For ready reference, the relevant part of statement of witness - Omprakash is quoted below:-

> *"दस्तावेज दिखाकर उस दस्तावेज पर मेरे हस्ताक्षर मैं पहचान सकता हूं लेकिन दस्तावेज को छुपाते हुए मेरे हस्ताक्षर दिखाने पर मैं मेरे हस्ताक्षर नहीं पहचान सकता हूं। मैं मेरे भाईयों मोहनलाल, मगराज के हस्ताक्षर फोटों प्रतियों पर पहचान सकता हूं। दस्तावेज को छुपाते हुए मेरे भाईयों के हस्ताक्षर दिखाने पर मैं उनके हस्ताक्षर शायद पहचान सकता हूं। "*

6.10 Upon a careful reading of the statement in question and when considered in its entirety and in context, it is evident that the testimony of witness Omprakash cannot be characterized as that of an expert in the field of handwriting or signature verification. The statement of said witness shows that neither he possesses the specialized knowledge, training or qualifications required to constitute expert evidence nor having such confidence for recognizing the signatures of his brother or his own, without entire document is shown to him.

The so-called "pigeon hole theory," is a method typically invoked in cases involving statements in the nature of expert of handwriting or signatures. However, since in the present case, the witness's statement falls short of this threshold and lacks the necessary expertise, the fundamental premise for invoking the "pigeon hole theory" simply does not exist. Accordingly, the learned Trial Court was correct in refusing to permit the application of this method. The Court's decision to reject the invocation of the "pigeon hole theory" is, therefore, both legally sound and factually justified.

6.11 The observation of this Court also get support from the judgments relied upon by the counsel for the respondent. In the case of ***Perumal*** (supra), it has been held as under:-

> *"10. I am not in agreement with the practice of the Advocates, during trial showing to the witness, only the signature portion by blocking the rest of the document and I would like to lay down as law hereby that the Advocates shall do well to see that such practice is dropped. Even a well educated person might not be in a position to identify his own signature if it is shown to him in isolation as it has been shown in this case. Here the defendant happended to be a driver and perhaps while he was in the witness box he might have got perplexed and in that context, he might have stated as though those signatures were not that of his own and from that the Court should not jump to the conclusion that the defendant was a man who was having the attitude to deny his signatures."*

6.12 Reliance has also been placed on a judgment passed by Karnataka High Court in ***Devaraj*** (supra) wherein the Karnataka High Court has held:

> *"28. The cross examination of DW1, DW2 and DW3 reveals that they have stuck to their stand that they never entered into agreement with the plaintiff. But one aspect needs to be mentioned here. The attention of DW2 was drawn to her signature on the written*

statement and she was questioned whether it was her signature. The trial court judge has made a mention in the deposition sheet that entire written statement was not shown to DW2. Probably the cross examining counsel might have covered the written statement or folded it to draw the attention of DW2 to only that portion of written statement containing signatures. DW2 has given two answers, she stated that she could not say whether it was her signature or not; and the second answer is that she could not say without seeing the complete document, whether the signatures as per Ex.P.5(b) and P5(c) were that of her son and daughter. Same was her answer when signature portion in her vakalatnama was shown to her. Referring to these answers, Sri. Shaker Shetty commented that DW2 was not a truthful witness. If she denied her signature on the written statement and the vakalatnama, the entire defence setup by the defendants must be rejected.

29. It is not possible to accept the argument of Sri. Shaker Shetty. Whenever a witness is to be confronted with his signature in the course of cross examination, entire document must be shown, covering or folding the contents of a document leaving open the signature portion only is a deceptive method or trick, and the courts should not encourage such kind of cross examination. Howsoever educated a witness may be, while standing in the witness box, facing cross examination, it is natural to stumble. Credibility of a witness cannot be tested and assessed by adopting deceptive methods. Here if DW2 stated she wanted to see the entire document either to admit or deny the signatures, she might have given such an answer, as it can be inferred, keeping in mind that she and her children had denied the signatures on the agreement in Ex.P.1. There is nothing wrong in her answer. "

The said judgment passed in the case of ***Devaraj*** (supra) has been upheld by the Hon'ble Supreme Court vide judgment dated 19.11.2020 while dismissing Special Leave Petition, challenging the same judgment.

6.13 This Court is inclined to be guided by the observations made by the Hon'ble Madras High Court as well as the Hon'ble Karnataka High Court, which have consistently cautioned against the use of the so-called "pigeon hole theory" method of cross-examination.

Both Courts have noted that this method is neither specifically under the provisions of the Indian Evidence Act and represents a form of cross-examination that can be inherently confusing or deceptive in nature. It is thus observed that adoption / approval of such method of cross-examination shall be permitted only in the cases where the witness appears in the capacity and in the nature of expert witness regarding handwriting / signatures. Evidence elicited through adoption of such a method, cannot be regarded as conclusive or determinative as use of such deceptive method carries risks of shaking the confidence of even a truthful witness and undermining the principles of fair trial.

This Court finds it prudent to align with the reasoning of the Hon'ble High Courts and holds that order dated 17.09.2025 passed by learned trial Court refusing to permit the cross-examination by "pigeon hole method" was wholly justified.

7. So far as challenge to subsequent order dated 14.11.2025 is concerned, this Court finds that after rejection of application under Sections 138 and 145 of the Act vide order dated 17.09.2025, same was not challenged by the petitioner at that point of time. However, subsequently another application of a similar nature, seeking same relief, was filed by the petitioner.

7.1 Learned trial Court has clearly observed that subsequent application clearly amounts to review of earlier order dated 17.09.2025, which is not permissible in the eye of law. This Court is in agreement with the objection raised by counsel for the respondent that subsequent application of similar nature is barred by a principle of *res judicata*.

7.2 Hon'ble Supreme Court in the case of ***Chhabil Das*** (supra) has held that principle of *res judicata* not only applies to final judgment but every stage of the suit proceedings. Para 11 of the judgment reads as under :

> *"13. It is well known that the principle of res judicata also applies in different stages of the same proceedings."*

7.3 Similar view has been expressed in the judgment passed by Hon'ble the Apex Court in the case of ***Bhanu Kumar Jain*** (supra). Para 18 and 19 of the judgment reads as under:-

> *"18. It is now well-settled that principles of res judicata applies in different stages of the same proceedings. [See Satyadhyan Ghosal and others Vs. Smt. Deorajin Debi and another, AIR 1960 SC 941) and Prahlad Singh Vs. Col. Sukhdev Singh [(1987) 1 SCC 727].*
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> *In Y.B. Patil (supra) it was held:*
>
> *"4 It is well settled that principles of res judicata can be invoked not only in separate subsequent proceedings, they also get attracted in subsequent stage of the same proceedings. Once an order made in the course of a proceeding becomes final, it would be binding at the subsequent state of that proceeding..."*
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> *In Vijayabai (supra), it was held:*
>
> *"13. We find in the present case the Tahsildar reopened the very question which finally stood concluded, viz., whether Respondent 1 was or was not the tenant of the suit land. He further erroneously entered into a new premise of reopening the question of validity of the compromise which could have been in issue if at all in appeal or revision by holding that compromise was arrived at under pressure and allurement. How can this question be up for determination when this became final under this very same statute ?..."*
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> *19. Yet again in Hope Plantations Ltd.(supra), this Court laid down the law in the following terms:*

> *"17.One important consideration of public policy is that the decisions pronounced by courts of competent jurisdiction should be final, unless they are modified or reversed by appellate authorities; and the other principle is that no one should be made to face the same kind of litigation twice over, because such a process would be contrary to considerations of fair play and justice."*

It was further held:

> *"31. Law on res judicata and estoppel is well understood in India and there are ample authoritative pronouncements by various courts on these subjects. As noted above, the plea of res judicata, though technical, is based on public policy in order to put an end to litigation. It is, however, different if an issue which had been decided in an earlier litigation again arises for determination between the same parties in a suit based on a fresh cause of action or where there is continuous cause of action. The parties then may not be bound by the determination made earlier if in the meanwhile, law has changed or has been interpreted differently by a higher forum. But that situation does not exist here. Principles of constructive res judicata apply with full force. It is the subsequent stage of the same proceedings. If we refer to Order XLVII of the Code (Explanation to Rule. 1) review is not permissible on the ground*
>
> *"that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior court in any other case*, shall not be a ground for the review of such judgment"."

7.4 In this view of the matter, the learned trial Court was absolutely justified in rejecting the subsequent application and thus, order impugned dated 14.11.2025 does not warrant interference by this Court.

8. So far as contention of the petitioner with regard to closing of opportunity for cross-examination is concerned, although Courts do take lenient view where due to some *bonafide* reason, evidence could not be produced and usually permits such evidence

or opportunity for cross-examination upon deposition of adequate costs. However, in the present case, the learned trial Court has clearly recorded that the cross-examination of one witness continuing since 14.10.2024 i.e. for a period of one year and the witness was cross-examined on eleven different dates, running into sixty-two pages. Learned trial Court has further observed that adequate and sufficient time has already been granted to the counsel for the petitioner-plaintiff to cross-examine the witness, however, the proceedings were sought to be delayed by filing different applications. In this peculiar background, learned trial Court closed the opportunity of cross-examination of the petitioner-plaintiff.

8.1 While recording concurrence with the said findings of learned Trial Court, this Court also takes note of a specific fact that the trial proceedings of the suit is pending since last more than 20 years and the issues were framed way back in 2006, still the evidence of the parties could not be completed and the same was being delayed by petitioner-plaintiff by way of filing different applications on one ground or other or on similar grounds on different occasions. The conduct of the plaintiff-petitioner clearly constitutes a gross abuse of the process of law and, accordingly, is not deserving of any leniency or equitable relief.

9. The petitioner has failed to establish any perversity or manifest illegality or error apparent on the face of record or any jurisdictional error being committed by the learned Trial Court in passing the orders impugned. The scope of interference by this Court under its supervisory jurisdiction is very limited. The contours of Article 227 of the Constitution of India have well being

delineated ad nauseum and reference may be made for the purpose to some salutary pronouncements such as *Shalini Shyam Shetty v. Rajendra Shankar Patil (2010) 8 SCC 329. Jai Singh v. Municipal Corporation of Delhi (2010) 9 SCC 385. Surya Dev Rai v. Ram Chander Rai (2003) 6 SCC 675* - instead of burdening this judgment with copious quotes therefrom. It has been broadly held therein that the interlocutory orders of the courts below not be interfered with under Article 227 of the Constitution of India unless such orders are palpably vitiated by capriciousness, perversity, error of jurisdiction or such like root causes leading to manifest injustice. The amendment to Section 115 CPC effective 1.7.2002 vide the Code of Civil Procedure (Amended) Act, 1999 was intended to be a prescription to overcome delays in trials of civil suits which delays are notorious and adversely commented on publically. The salutary provisions of Article 227 of the Constitution of India cannot be allowed to be casually invoked to circumvent legislative intent clear from the CPC amendment effective 1.7.2002. No doubt the court's supervisory jurisdiction under Article 227 is ever present but its exercise has to be guarded and confined to situations referred to above. None of the aforesaid situations obtain in the instant case.

10. In view of the discussions made above, applications filed by the petitioner not only misconceived but also gross abuse of process of law. The petitioner has failed to establish any manifest illegality, jurisdictional error or error apparent on the face of the record which may call for interference by this Court under its certiorari jurisdiction.

11. Consequently, the writ petition challenging the impugned orders, being devoid of merits, is hereby dismissed.

12. Stay petition and pending applications, if any, also stand disposed of.

(SANJEET PUROHIT),J

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