

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

(241)

CR No.1336 of 2015

Decided on: April 24, 2015.

Sunita Devi

.... Petitioner

Versus

Ramesh Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Krishan M. Vohra, Advocate, for
Mr. Sumeet Goel, Advocate,
for the petitioner.

None for respondent No.1.

M.M.S. BEDI, J (ORAL)

As per office report, notice issued to respondent No.1 has been received back served. No one has put in appearance on behalf of respondent No.1. So, he is proceeded against ex parte.

An application filed by petitioner Sunita Devi for permitting her substitution in place of defendant No.1 as she had purchased vide registered sale deed, the rights of defendant No.1, stands dismissed by the trial Court.

Learned counsel for the petitioner submits that the petitioner having stepped into the shoes of defendant No.1, she has got a right, with the leave of the Court, to get herself substituted as it is a case of devolution of the interest of defendant No.1 in the petitioner.

Respondent No.1-plaintiff, despite service has opted not to appear in the Court as such it is presumed that he does not want to contest the claim of the petitioner. Besides this, it is pertinent to observe here that

counsel for the petitioner has made a statement at bar that the petitioner does not want to raise any further claim inconsistent with the pleas taken by defendant No.1 in the written statement and would continue to pursue the case without any fresh plea.

In view of said circumstances, this revision petition is allowed. Order dated 09.02.2015 Annexure P-1 is set aside. The petitioner is permitted to be substituted in place of defendant No.1 with liberty to produce evidence consistent with the pleas taken by defendant No.1.

(M.M.S. BEDI)
JUDGE

April 24, 2015
harsha