

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5694 of 2015
Date of decision : September 2, 2015

Malkiat Singh and another

..... Petitioners

Versus

Kamaljit Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ramesh Sharma, Advocate
for the petitioners.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 29.7.2015 whereby the application filed at the behest of the petitioners-defendants for dismissal of the suit viz-a-viz-plaintiff Nos. 2 and 3 as they were stated to be minors at the time of filing of the suit but infact they were majors.

Learned counsel for the petitioners-defendants submits that since they were majors the suit could have been filed in their personal capacity and not on behalf of respondent-plaintiff No.1 and they had not authorized the counsel to appear on their behalf, therefore, the suit at their behalf was not maintainable.

I have heard learned counsel for the petitioners and appraised the paper book.

It is a matter of record that during the pendency of the civil suit a special power of attorney executed by respondents-plaintiffs No. 2 and 3 in favour of defendant No.1, has been filed therefore defect if any, has been rectified. The case is at the stage of rebuttal evidence. The petitioners-defendants, if have any grievance, can be raised at the time of arguments in the main suit.

There is no illegality and perversity in the impugned order.

Accordingly, the revision petition is dismissed with the aforementioned liberty.

(AMIT RAWAL)
JUDGE

September 2, 2015
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