

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.5929 of 2014 (O&M)

Date of Decision.21.12.2015

Sukhdev Kumar

.....Petitioner

Vs.

Jagtar Singh and others

.....Respondents

Present: Mr. Sherry Singla, Advocate for
Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Siddharth Gupta, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The suit filed by the plaintiff came to be dismissed on the failure of the legal representatives to take steps within time. The death of the plaintiff took place on 8.11.2011 and the application was filed belatedly more than six months after the death. The Court found that nearly five opportunities had been taken by the counsel appearing on behalf of the plaintiff to implead the legal representatives and a false case had been trotted as though the legal representatives came to know about the pendency of the suit only just prior to the filing of the petition. I do not think the dismissal of the suit for not taking steps to implead the legal representatives must be allowed to continue when there is substantial question for adjudication where the plaintiff was seeking for enforcement of agreement of sale after parting with ₹5 lacs.

The receipt of consideration itself is not in denial and it would require a proper adjudication on merits and the order already passed is set aside on condition that the petitioners pay ₹15,000/- as costs of the defendant within a period of four weeks from the date of receipt of copy of this order.

2. The order already passed stands set aside and the revision petition is allowed on the above terms.

(K. KANNAN)
JUDGE

December 21, 2015
Pankaj*