

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.696 of 2014
Date of Decision : 31.03.2015.

Harjit Singh

....Petitioner

Versus

Bakshish Singh and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. K.B. Raheja, Advocate,
for the petitioner.

Mr. Sandeep Punchhi, Advocate,
for respondent No.1.

SABINA, J

Petitioner has filed this petition challenging the order dated 4.12.2013 whereby respondent No.1 was allowed to be represented by his wife Baljinder Kaur.

Learned counsel for the petitioner has submitted that trial court was required to hold an enquiry before allowing Baljinder Kaur to contest the suit on behalf of defendant No.1. In this regard learned counsel for the petitioner has placed reliance on Order 32 Rule 15 of Code of Civil Procedure, 1908 and on the judgments passed in *Jasbir Singh Versus Sukhwinder Singh and others 2012(1) PLR 238, Dilbagh Singh Versus Sawinder Kaur 2011(2) PLR 324, Ram Singh Versus Taranbir Singh 2011(5) R.C.R. (Civil) 241, Sunil Sardana Versus Renu Rawal 2008(1) R.C.R.(Civil) 580, Harjinder Singh Versus Nachhattar Kaur 1991(2) R.R.R. 499, Kunhamma Versus Rosakkutty*

1997(2) R.C.R. (Civil) 78, S. Chattanatha Karayalar Versus Vaikuntarama Karayalar and another 1968 AIR (Madras) 346, Alka w/o Akash Jain Versus Akash s/o Krishan Kumar Jain 2010(2) M.P.L.J. 72, Smt. Devku And Smt. Kimtu, LRs of Sh. Gehru (since deceased) Versus Madan Lal 1993(2) R.R.R. 567, Sailesh Saha Versus Gour Saha 2013(128) AIC 643 and Raveendran Versus Sobhana and Anr. 2008 AIR (Kerala) 145.

Learned counsel for respondent No.1 has fairly conceded that the trial court had allowed Baljinder Kaur to contest the suit on behalf of Bakshish Singh without holding an enquiry and has not been able to controvert the submissions made by learned counsel for the petitioner during the course of arguments.

In these circumstances, this petition is allowed and impugned order dated 4.12.2013 is set aside. Consequently, trial court is directed to pass a fresh order in accordance with law on the application moved by Baljinder Kaur to allow her to contest the suit on behalf of respondent No.1.

**(SABINA)
JUDGE**

March 31, 2015

prince rana