

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

CR No.7482 of 2015

Date of decision : 05.11.2015

Baldev Singh

...Petitioner

Versus

Nasib Kaur and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. S.S. Momi, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

Challenge in the present petition is to the order dated 14.08.2015, whereby application filed under Order 1 Rule 10 seeking impleadment of applicant as defendants on the basis of the Will dated 21.11.1975 allegedly executed by Sant Singh in favour of the applicants, has been dismissed.

Mr. Momi, learned counsel appearing on behalf of petitioner submits, that after getting the signatures of the executant verified, application was moved. The knowledge of the Will was acquired only in the month of April, 2015 at Nirmal Darbar. Accordingly, the application was

filed. He further submits that in case application is allowed, applicant-petitioner would take only two opportunities to lead evidence.

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

The case has the chequered history. The suit has been filed in the year 1980 and numerous application for impleading the applicants as defendants on the basis of the Wills set up by Lieutenant Sant Ram, has been moved. This fact has been noticed by this Court in various orders. Same reads thus:-

“This case presents a curious situation of repeated obstructions made by various persons set up by defendants interested in prolonging the case. The suit is instituted on 24.04.1980 and the plaintiffs side was closed on 26.11.1980. The trial has still not seen the end by somebody or the other seeking impleadment and each time a 3rd party coming with fanciful claim in relation to the estate. I find this is a calculated attempt to derail the course of justice and take the suit to indefinite trial of adjournments on some ground or the other”---- I also direct that no court shall receive any plaint in relation to the property which is the subject of the present suit and which his relating to the estate of Late Lt. Sant Singh. The District Judge in Ludhiana and Chandigarh shall duly notify in the notice boards that no person shall institute any suit relating to the estate of Sant Singh situated in Chandigarh and Ludhiana without taking permission of this Court ---- it is time that Presiding Officer understands the fraudulently game which is being played and will allow for no such obstructions at the trial --- The Presiding Officer shall furnish a plan of action for the suit and

inform this court, within a period of 15 days. Information shall also be sent to the Hon'ble Administrative Judge under whose guidance the Presiding Officer works.

Allowing for the cases to be instituted mindlessly by persons who have nebulous claims ought to come to an end. The Civil Judge, Junior Division Ludhiana shall transmit the entire case papers in the original in Cs. No.128 of 2014 to be dispatched to this Court and I directed the District Judge, Ludhiana to oversee to ensure that they are sent to this Court immediately. No further process in the suit instituted by Gurpreet Singh before the Court at Chandigarh will follow. It is directed to be withdrawn and transmitted to this Court by the next date of hearing.”

The suit is listed for rebuttal evidence of the plaintiff and it is at this stage, an application has been filed. It appears that all possible hindrances/obstacles are being caused for the adjudication of the suit filed in the year 1980. The plea that the application of the similarly situated person for impleadment was allowed in the year 2012 and, therefore, the petitioner is also entitled to the same parity, is repelled for the reasons stated above.

In my view it is an attempt to prolong the adjudication of the suit in malafide manner.

I do not intend to differ with the findings rendered by the trial Court in dismissing the application.

Revision petition is accordingly dismissed.

05.11.2015

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**(AMIT RAWAL)
JUDGE**