

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 520 of 2016
Date of decision : February 18, 2016

Jaswinder Kaur

..... Appellant

Versus

Harpal Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Amit Jain, Advocate
for the appellant.

Mr. Vikas Bahl, Senior Advocate with
Ms. Japneet Kaur, Advocate
for respondent Nos. 1 & 4.

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 petitioner-defendant is aggrieved of the order whereby trial court on examination of Harpal Singh appointed his brother Baljit Singh, his next friend and guardian to contest the suit purported to have been filed by Harpal Singh challenging the sale deed dated 11.10.2000 and ex-parte decree dated 27.4.2012.

Mr. Amit Jain, learned counsel appearing on behalf of the petitioner submits that Harpal Singh, in the previous round of litigation has been examined by the medical board and found to be fit enough to the vagaries of life. He is coherent, much less knows good and bad. Baljit Singh, who has been appointed as guardian of Harpal Singh, himself has purchased certain share of the property from Harpal Singh, thus, he had an eye on the property on which the

petitioner-defendant has acquired title and interest by the aforementioned sale deed, therefore, the order is not only sketchy, much less without any reason and cannot be said sustainable in the eyes of law and prays for setting aside of the same.

Mr. Vikas Bahl, learned Senior counsel assisted by Ms. Japneet Kaur, Advocate submits that Harpal Singh is insane and has weak understanding, much less the sale deed executed by him is result of fraud and misrepresentation and in these circumstances the ex-parte judgment and decree has been obtained, thus, prays for dismissal of the revision petition.

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

It would not be out of place of mention that on the previous date of hearing this Court directed Harpal Singh to be present in Court. Harpal Singh has been examined by the doctor available in the Court and as per the examination it has been found that he is coherent and answers the question whatever was put to him, rather he stated that he is 10th pass and has a wife and two children.

In view of the above, I am of the view that the exercise undertaken by the trial court in appointing his brother Baljit Singh as a guardian to contest his suit is not only incorrect, much less fallacious, for the reason that Baljit Singh has a deep interest in the property of Harpal Singh as he already purchased other share of the property from Harpal Singh. Since Harpal Singh found to be understanding correctness and incorrectness of the things, much

less vagaries of life, so he is able to contest the case on his own, and not in the manner and mode as has been adopted by the other side.

In view of the aforementioned observations, the impugned order is set aside. The revision petition stands allowed.

(AMIT RAWAL)
JUDGE

February 18 , 2016
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