

CM No. 6342-43 C of 2014 in/and
RSA No. 2691 of 2014
Date of Decision: 4.4.2016

Chhinderpal Kaur and another

---Appellants

versus

Karamjit Singh and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.R.S.Sekhon, Advocate
for the appellants

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

Rekha Mittal, J.

CM No. 6342-C of 2014

Chhinderpal Kaur and another have filed application under Order 22 Rule 4 of the Code of Civil Procedure(in short “CPC”) read with Rule 2 Chapter 1-C volume V of the High Court Rules and Orders for bringing on record the legal representatives of Dalip Singh son of Bhagwan Singh son Mohan Singh on the premise that Dalip Singh, defendant No. 2, is a mentally retarded person.

Perusal of the record reveals that the suit filed by Karamjit Singh against Raj Kumar and Dalip Singh for permanent injunction instituted in the year 2007 and decided on 14.3.2012 was being defended by Dalip Singh defendant No. 2. Later, the appeal preferred by Karamjit Singh was contested by Dalip Singh and the said appeal was decided

by the Additional District Judge, Ferozepur on 13.11.2013. Nothing has been mentioned in the application as to when Dalip Singh has suffered any mental sickness much less being a mentally retarded person. Barring the vague allegations raised in the application, there is nothing on record to prime facie accept plea of the applicants that they are competent to file the present appeal on behalf of Sh. Dalip Singh. This apart, Rule 4 of Order 22 CPC does not apply in the alleged circumstances as it deals with procedure in case of death of one of the several defendants or a sole defendant. It is not plea of the applicants that Sh. Dalip Singh has passed away and therefore, they being successors in interest of Dalip Singh are competent to file the appeal by taking recourse to the provisions of Rule aforesaid.

Analyzed from any angle, there is no merit in the application filed by Chinderpal Kaur and another to permit them to prefer the appeal. That being so, the application is dismissed. As a natural corollary, the appeal is dismissed being not maintainable.

(Rekha Mittal)
Judge

4.4.2016
PARAMJIT