

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

118

CR-2026 of 2017

DATE OF DECISION: 21.03.2017.

Gajjan Singh

...Petitioner

VERSUS

Piar Kaur and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE (DR.) SHEKHER DHAWAN

Present: Mr. Sunny Bhardwaj, Advocate for
Mr. Rohit Verma, Advocate
for the petitioner.

Shekher Dhawan, J.

Learned counsel for the petitioner while challenging the order dated 02.12.2016 contended that because of lack of communication between counsel and the client, requisite munadi expenses and RCs could not be filed and only one opportunity be given for that purpose.

The order passed by the Court on 02.12.2016 is extracted below.

“As per the report of the Ahlmad, RC/Ad for the service of defendants No.1 to 3 not filed and Munadi fees for the service of defendants No.5 and 6 not filed. Plaintiff has taken number of opportunities for filing the same, but has not filed the RC/AD for the service of defendants No.1 to 3 and Munadi fees for the service of defendants No.5 and 6. Counsel for the plaintiff again requested for adjournment for filing the same. Request heard and declined. Case against defendants No.1 to 3 and defendants No.5 and 6 is ordered to be dismissed under Order 9 Rule 2 CPC. Case is adjourned to 09.01.2017 for filing replication to the written statement filed by defendant No.4.”

Learned counsel for the petitioner further fairly conceded that

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integrity of this document

due to certain circumstances which were beyond his control, his client could not be contacted and the needful could not be done. He has prayed that only one opportunity be given to the petitioner for the aforesaid purpose.

Taking into consideration the fact that the act of counsel should not adversely affect the litigation of client and in the interest of justice, one opportunity is given to the petitioner to deposit the requisite munadi expenses and RCs before the Court below within 15 days from today, on payment of costs of Rs.10,000/-. As the relief claimed by the petitioner is this extent only, so notice is not being issued to opposite party.

Petition is disposed of.

(SHEKHER DHAWAN)
JUDGE

21.03.2017.

komal

Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No