

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

**CR No.5376 of 2016
Date of Decision: 30.08.2017**

Harinder KaurPetitioner
Vs
Balwinder Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. R.S. Sihag, Advocate
for the petitioner.

Mr. J.S. Virk, Advocate
for respondents No.1, 5, 6, 7 and 8.

Mr. Parambir Singh, Advocate
for respondent No.4.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has filed this revision petition against the order dated 29.07.2016 passed by Civil Judge (Junior Division), Amritsar, vide which the application under Order 22 Rule 4 CPC filed by the petitioner for bringing on record legal representatives of deceased Manjit Kaur (defendant No.1) was dismissed.

[2]. As per material on record, defendants No.1 and 2 were proceeded against ex parte as they opted not to challenge the suit. The suit was filed on 28.06.2007. Defendant No.1 appeared through her counsel on 03.07.2007. Thereafter, both

defendants No.1 and 2 were proceeded against ex parte. Plaintiffs' evidence was concluded and so as the defendants' evidence.

[3]. The order proceeding against ex parte was never assailed during life time of defendant No.1. The suit itself is at the final stage of arguments. Even defendant No.1 died in the year 2015. The filing of application at such a stage besides being belated is of no consequence as defendant No.1 had already been proceeded against ex parte. By moving the application in question, the status of defendant No.1 being ex parte cannot be improved.

[4]. In view of above, impugned order dated 29.07.2016 passed by Civil Judge (Junior Division), Amritsar is not suffered with any error of jurisdiction or any perversity. This petition is accordingly dismissed.

August 30, 2017.

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No