

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

**Civil Revision No.8068 of 2015 (O&M)
Date of Order:11.07.2017**

Sukhraj Jit Kaur

..Petitioner

Versus

Tejvir Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. L.S.Sidhu, Advocate,
for the petitioner.

Mr. Harish Goyal, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J.

This revision petition under Article 227 of the Constitution of India has been filed against order dated 12.10.2015 (Annexure P-12), passed by the learned Civil Judge (Junior Division), Mansa, whereby the trial Court declined to set aside ex-parte proceedings against the petitioner, namely, defendant no.2.

It may be noticed that defendant no.2 is mother, whereas defendant nos.3 and 4 are her sons. The dispute is amongst the family members.

A perusal of the record shows that petitioner-defendant no.2 filed a joint written statement, copy whereof has been annexed as Annexure P-4. The written statement is titled as “written statement on behalf of defendants no.1,2,3,4”. However, inadvertently, the written statement was not signed by petitioner-Sukhraj Jit Kaur. There is an order available on the

file, which shows that the learned trial Court had ordered ex-parte proceedings against petitioner-defendant no.2, vide order dated 18.07.2011. After framing of the issues, defendant no.2 even appeared in the witness box and tendered her examination-in-chief by way of affidavit, dated 28.04.2014. The case was deferred for cross-examination. However, at that stage, it came to the notice of the Court that defendant no.2-Sukhraj Jit Kaur was proceeded against ex-parte on 18.07.2011. An application was filed on behalf of Sukhraj Jit Kaur, for setting aside ex-parte proceedings, which has been dismissed by the learned trial Court, vide the impugned order.

I have heard counsel for the parties.

The facts as narrated above would show that in fact a joint written statement was prepared and was filed in the Court, of course, without the signatures of the petitioner-defendant no.2. Petitioner even appeared in the evidence and tendered her affidavit in examination-in-chief. The case was deferred for cross-examination.

The petitioner-defendant no.2 is entitled to join the proceedings at any stage. The suit filed by the plaintiff is still pending. All the defendants were represented by one counsel. As noticed above, even joint written statement was filed, but some how inadvertently it was not signed by defendant no.2-petitioner.

In my considered opinion, in the facts and circumstances of the case and in the interest of justice, petitioner-defendant no.2 should be permitted to join the proceedings. The examination-in-chief by way of affidavit tendered by the petitioner-defendant no.2 would be read into evidence and counsel for the plaintiff shall be entitled to cross-examination her.

With these directions, the order dated 12.10.2015 (Annexure P-12), passed by the learned Civil Judge (Junior Division), Mansa is set aside and the revision petition is disposed of accordingly.

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July 11, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No