

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

CR No.35 of 2018 (O&M)

Date of decision : January 09, 2018

Tara Singh (deceased) through his LRs Petitioners

Versus

Swaran Singh @ Sarwan Singh (now deceased) through his LRs.

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. H.S. Batth, Advocate for the petitioners.

1. Whether the Reporters of local newspaper 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 ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 14.12.2017 (Annexure P-5) passed by learned Civil Judge (Jr. Divn.), Patti, Tarn Taran, vide which the application filed by the present petitioner for setting aside the ex parte proceedings initiated against him was dismissed.

Heard.

In nutshell, the plaintiff-respondent had filed a suit for possession by redemption. Tara Singh (now deceased), who filed the written statement, subsequently died and his legal heirs Nos.1A to 1D were brought on record.

It comes out that one of the legal heirs i.e. defendant No.1C, namely, Dalbir Singh, brother of the present petitioners appeared. The petitioners, who is daughter of deceased Tara Singh, was living abroad and could not appear. Now, the case is at the stage of hearing arguments, when the present application was filed by defendant No.1A, namely, Paramjit Kaur to join the proceedings. Defendant Nos.1C and 1D are already

Admittedly, in this case, written statement was filed by the deceased Tara Singh and two of his legal heirs appeared and contested the case. The case is at the stage of hearing final arguments. Therefore, this Court cannot put the clock back.

The short prayer made by the learned counsel for the petitioner at this stage is to allow the petitioner to join the proceedings at this stage. Therefore, without going into the merits of the controversy, the present petitioner is allowed to join the proceedings from the present stage but she will not be entitled to file the separate written statement and lead evidence. However, she can support the case put forward by the other legal heirs of deceased Tara Singh at the time of arguments.

As such, the present petition is disposed of.

(KULDIP SINGH)
JUDGE

January 09, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No