

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.5262 of 2018(O&M)
Date of Decision: 16.08.2018

NARINDER SINGH AND OTHERS

.....PETITIONERS

VERSUS

GURJANT SINGH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. S.K. Manchanda, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioners have assailed the order dated 09.05.2018 passed by Civil Judge (Junior Division), Budhlada vide which application filed by the respondent for appointment of next friend was allowed.

[2]. Plaintiff filed a suit for recovery on account of injuries received by him. An application under order 32 Rule 15 CPC (though not mentioned in the head note of the application) was filed for permission to appoint next friend to pursue the suit on the ground that the plaintiff is not fit to pursue his litigation. That application was contested by way of filing reply by the

defendants/petitioners.

[3]. Plaintiff examined Dr. Ronyal Kaushal MCH Neurosurgeon visiting consultant Max Hospital, Bathinda as PW 2 who has deposed in the following manner:-

“I hereby state that I have done the treatment of patient namely Gurjant Singh. He was operated for head injury on 04.06.2014 at Max Hospital Bathinda. Patient had left temporal contusions with SDH. Left temporal lobectomy was done. Now patient is under my treatment and is unable to pursue his daily routine because of the sequel of the head injury. He talks irrelevant at times and is unfit for his case for making any statement.

XXXXXXXXX Cross-examination by Sh. R.K. Manchanda, Adv.

After the head injury till date the patient is under my treatment. It is correct that I have not brought of the above said patient. Patient occasionally tell his name. Today the patient has told his name in the Court and further told that he has tied a turban. However he failed to reveal the factum as to whether he is wearing sweater or not. I can not tell whether a patient is performing his house hold duties or not. It is correct that I do not know personally. It is correct that the patient can walk. It is wrong to suggest that applicant Gurjant Singh in full senses. It is wrong to suggest that Gurjant Singh never remained under my treatment. It is wrong to suggest that I am deposing falsely at the in connivance of the applicant.”

[4]. Dr. Harsh Jindal has also been examined as PW 1 who has filed his affidavit in respect of injuries received by the plaintiff.

[5]. The Court after consideration of material on record accepted the application.

[6]. Petitioners did not lead any evidence to rebut the evidence produced by the plaintiff/respondent, rather their stand was that reply filed by them to the application be treated as rebuttal to the evidence led by the plaintiff/respondent.

[7]. Unrebutted evidence on record, in my considered opinion is sufficient to accept the application and the trial Court has rightly accepted the same. No error of jurisdiction can be noticed in the impugned order dated 09.05.2018 passed by Civil Judge (Junior Division), Budhlada. This revision petition is found to be totally devoid of merits and the same is accordingly dismissed.

August 16, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No