

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CM No.17829-C of 2018 in/and
RSA No.3691 of 2000 (O&M)
Date of decision:21.12.2018

Jatinder Kumar

... Applicant-Appellant

versus

Manjit Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.F.S.Virk, Advocate,
for the applicant-appellant
Mr.L.S.Bhullar, Advocate,
for the respondents
...

AMOL RATTAN SINGH, J. (Oral)

CM No.17829-C of 2018

In this application, by which the applicant-appellant seeks to withdraw the accompanying appeal, the following order had been passed on 3.12.2018:-

“CM-17828-C-2018

By this application, the applicant-appellant wishes to be now represented in the accompanying appeal personally and not through his next friend, i.e. his uncle-Jagat Ram, because the appellant is of the age of majority.

In fact, as per the copy of the Aadhaar Card annexed with the application (Annexure A-1), his date of birth is shown to be 26.11.1980 and consequently, even at the time when the accompanying appeal was filed on 15.06.2000, he had already attained majority, but he having sued the respondents herein as

a minor through his uncle and next friend Jagat Ram, the same position was reflected even in the memo of parties before this court.

Though the original document that is the Aadhaar Card has not been produced in Court today, it is to be taken that more than 18 years having gone by since the accompanying appeal was instituted, in any case even if the applicant/appellant had been born in that year itself, he would obviously be of the age of majority today, the suit of course having been instituted in the year 1992.

Consequently, the application is allowed, with the applicant/appellant permitted to pursue the appeal himself. The amended memo of parties is accordingly taken on record.

CM-17829-C-2019

By this application, the applicant-appellant seeks to withdraw the accompanying appeal, having stated therein that a compromise has been effected between him and the respondents herein.

Though there would be no reason for this Court to not allow the aforesaid application, however, the applicant/appellant stated to be also shown to be handicapped as per memo of parties before the learned trial Court, it is considered appropriate that he is directed to appear before the learned Civil Judge (Junior Division), Moga (i.e. the Court in which the suit was instituted), in person, with that Court

directed to satisfy itself with regard to his identity and to record his statement, that he actually wishes to withdraw the accompanying appeal (or not).

Consequently, he would appear before that Court on 14.12.2018, with that Court to send its report on the aforesaid factum of the appellant having appeared before it and recorded his statement, by the next date of hearing.

Adjourned to 21.12.2018.

To be shown in the urgent list.”

Pursuant to the aforesaid order, a report has been received from the learned Civil Judge (Junior Division) Moga, dated 14.12.2018, stating that the applicant-appellant, Jatinder Kumar, appeared before that Court and explained the entire circumstances of the case, as also the reasoning due to which he has entered into a compromise with the respondent, with him also stating that he had voluntarily entered into such compromise.

The statement of the applicant-appellant was also recorded by that Court, the English version of which has also been sent by that Court along with its report, with the said English version also having been signed by the applicant-appellant in *Gurmukhi*, which is also seen to be signed by one Gur Iqbal Singh, Lambardar of Village Daulatpura Ucha, District Moga, with the seal of the Lambardar also appended thereto.

As already seen, on 3.12.2018, CM No.17828-C of 2018 had also been allowed by this Court, by which the applicant-appellant sought to pursue the accompanying appeal in his own capacity, he earlier having filed it in the year 2000 through Jagat Ram son of Ganpat Rai, i.e. his uncle, with

the memo of parties showing that the appellant was a minor at that stage and also was handicapped.

Obviously, his minority having long past got over, that application was allowed and it was only due to the reason that he was also shown to be a handicapped person that it was a considered appropriate that his statement be recorded before the learned trial Court.

That statement having been recorded as aforesaid and the applicant-appellant no longer wishing to pursue the accompanying appeal, this application is allowed.

RSA No.3691 of 2000

The appeal is dismissed as withdrawn.

21.12.2018
pk/nitin
Whether speaking/reasoned
Whether Reportable

(**AMOL RATTAN SINGH**)
JUDGE
Yes
No