

In the High Court of Punjab and Haryana at Chandigarh

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CR No. 3109 of 2018 (O&M)

Date of decision: 11.1.2019

MANJIT KAUR

.....petitioner

Versus

**GRAM PANCHAYAT OF VILLAGE BEHRAM SARISHITA AND
ORS**

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Petitioner in person through Attorney.

Mr.Naveen Sharma, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(oral)

This revision petition has been filed by the petitioner challenging the order dated 17.10.2017 passed by the Civil Judge (Jr.Divn.), Jalandhar, vide which joint application filed by the petitioner under Order 6 Rule 17 CPC and under Order 1 Rule 10 CPC read with Section 151 CPC was dismissed on the ground of maintainability in view of ratio of **Nirmal Singh and others vs. Tarsem Singh and others, 2014 (4) CCC 670 (P&H).**

At the time of issuing notice of motion on 9.5.2018, following order was passed by this Court:-

“Prem Singh, power of attorney of the petitioner contends that application under Order 6

Rule 17 read with Section 151 CPC has been dismissed on the ground that joint application under Order 6 Rule 17 CPC and under Order 1 Rule 10 CPC is not maintainable. Prem Singh, power of attorney of the petitioner seeks indulgence of this Court for filing separate applications with the leave of the Court and the same may be ordered to be decided by the trial Court in accordance with law.

Notice of motion for 16.05.2018.

In the meanwhile, trial Court is directed to adjourn the proceedings beyond the date fixed by this Court.

A copy of this order be given to the power of attorney of the petitioner under signature of the Bench Secretary as per rules.”

Power of Attorney of the petitioner, Prem Singh, has reiterated his willingness to file separate applications before the trial Court for both the reliefs with the leave of the Court and further prays that in the event of filing such applications, the same may be ordered to be decided by the trial Court in accordance with law at the earliest.

Learned counsel for the respondents submits that respondents have no objection in case the applications are

decided by the trial Court in accordance with law.

In view of above, this revision petition is disposed of. Petitioner would be entitled to file separate applications under Order 6 Rule 17 CPC and Under Order 1 Rule 10 CPC before the trial Court. In the event of filing such applications, the same shall be dealt with by the trial Court in accordance with law.

January 11, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No