

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 372 of 2020

Date of Decision: 20.01.2020

Rajender

.....Petitioner

Vs.

Smt. Dhanpati and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Harish Bhardwaj, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned trial court dated 09.12.2019, by which his application seeking to place on record the death certificates of some persons who are stated to be shown as co-sharers in the suit land, has been rejected, on the ground that even rebuttal evidence had been led at that stage and in fact the case was up for final arguments.

Learned counsel submits that vide the said certificates the plaintiffs before the trial court, wish to show their status as legal heirs of deceased persons.

Having considered the matter and upon query made to learned counsel as to the present stage of the trial, he has submitted that in fact even final arguments have been heard and on the next date of hearing orders are to be pronounced.

He has relied upon a judgment of a co-ordinate Bench of this court in

Manmohan Singh vs. Davinder Kaur @ Mohinder Kaur @ Gurminder Kaur and others 2015 (1) CCC 101, to submit that the trial court still not having

become *functus officio*, the aforesaid application deserves to be allowed, even at this stage.

Having considered the matter, though otherwise I may not have been disinclined to at least issue notice to the other side, however, considering the fact that the impugned order was passed on 09.12.2019, with the next date of hearing given therein being 16.12.2019, and thereafter also the petitioner having taken more than a month to approach this court (even though there were holidays for two weeks in between), at this stage I see no reason to entertain this petition, which is consequently dismissed.

However, any rights that the petitioner may have before the appellate court, if any party decides to appeal against the judgment of the trial court, naturally would remain protected.

January 20, 2020
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.