

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

C.R. No. 6639 of 2015 (O&M)

Date of Decision: 04.03.2020

Gobinder Singh (D) through LRs

.... Petitioners.

Vs.

Mohinder Kaur & Ors.

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. S.S. Ranghi, Advocate, for the petitioners.

Mr. Vijay Sharma, Advocate, for the respondents.

ALKA SARIN, J (Oral)

Learned counsel for the parties are *ad idem* that the impugned orders dated 23.09.2011 (Annexure P-5) and 28.07.2015 (Annexure P-8) be set aside and the matter be remanded back to the Civil Court to be decided in view of the High Court Amendment to Order 22 Rule 3 (2) of the Code of Civil Procedure, 1908. The High Court Amendment to Order 22 Rule 3 (2) is reproduced as under:-

“Punjab, Haryana & Chandigarh :- For existing sub-rule (2) of Rule 3 substituted:-

Rule 3(2): Where within the time limited by law no application is made under sub-rule (1), the suit shall not be abate as against the deceased plaintiff and the judgment may be pronounced notwithstanding his death which shall have the same effect as if it has been pronounced before the death took place, and the contract between the deceased and the pleader in that event shall continue to subsist.” - Haryana Gazette, 25-2-1992, Pt. III (LS), p.253 - Chandigarh Administration Gazette, 21-2-1992, Extra., p-196.”

In view of the above, the present revision petition is disposed off and the Trial Court is directed to decide the issues in accordance with law, keeping in mind the High Court Amendment. The Trial Court is requested to decide the said application within a month from the date of receipt of the certified copy of this order.

March 04, 2020
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(ALKA SARIN)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No