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

**CWP-16171-2020 (O&M)
Date of Decision: 16.10.2020**

Gaganpreet Kaur

..... Petitioner

Versus

Canara Bank and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Bhanu Sharma, Advocate,
for the petitioner.

Mr. Parveen Kumar Rohilla, Advocate,
for respondent No.1.

Mr. Abhinay Goel, Advocate,
for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

CM-10806-CWP-2020:

Ld. Counsel for applicant/respondent No.1 is permitted to place
on record Written Statement filed on behalf of his client.

Application stands disposed off.

CM-10746-CWP-2020 in/and CWP-16171-2020:

In this application, the prayer is for impleadment of Harbans
Singh as petitioner No.2, along with the present applicant/petitioner, who is
his unmarried daughter and claims to be his next friend.

2. The said prayer is opposed on behalf of non-applicant/respondent
No.2, who contends that without appointment of a Legal Guardian on behalf of

the ailing father, who is not in sound mental state, her daughter cannot arrogate to herself the responsibility of looking after him to the detriment of respondent No.2, who also happens to be the son of the same father.

3. It may be recalled that on the last date (13.10.2020), Ld. Counsel for the applicant/petitioner had submitted before this Court that the Officer-in-Charge Ex-Servicemen Sahayata Kendra, Headquarter, Western Command, Chandimandir (sahayta@wcesm.com 1800-180-20191) had assured his colleague Mr. Karanvir Singh, Advocate, that after the direction to look after CPO Harbans Singh (father of the contesting parties) being given by the Court, they would be willing to do the needful. In view of the aforesaid submission, this Court had directed the Officer-in-Charge Ex-Servicemen Sahayata Kendra, Headquarter, Western Command, Chandimandir (sahayta@wcesm.com 1800-180-20191) to be added as respondent No.3 and to be notified for today. The service was to be effected *dasti* and the applicant/petitioner was required to file the Amended Memo of Parties, as a consequence, by today. But, it transpires that such Amended Memo of Parties has not been filed, nor any appearance has been made on behalf of proposed respondent No.3.

4. On the contrary, Ld. Counsel for the applicant/petitioner submits today that he was mistakenly informed by his colleague that the proposed respondent No.3 had actually given the assurance of welfare and to look after CPO Harbans Singh, but in reality, it was some “random” person of the Zila Sainik Board and not the Ex-servicemen Sahayata Kendra, Headquarter, Western Command, Chandimandir, who had given such assurance.

5. It would thus appear that the applicant/petitioner is trying to play

games with the Court, and this conduct cannot be tolerated any further.

6. In reality, this is a dispute between brother and sister, regarding the pension/assets of their father, and in its writ jurisdiction, this Court is not expected to go into intricate questions of fact, as to which of the two siblings is actually sincere and truthful regarding up-keep of their father. Consequently, the present application to seek impleadment of Harbans Singh, as petitioner No.2, at the instance of one child, who is not his Legal Guardian, against his own other child/son is *ex-facie* untenable.

7. For the same reasons, the present Writ Petition is also found to be without merit and is, therefore, dismissed with liberty to the petitioner to seek her appropriate alternative remedy, in accordance with law.

16.10.2020

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No