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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.864 of 2021 (O&M)
Date of Decision:08.04.2021

Manoj Kumar & Anr.

..... Petitioners

Versus

Suresh Kumar & Anr.

..... Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Girotra, Advocate
for the petitioners.

ANIL KSHETARPAL, J.(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The defendants have filed this revision petition under Article 227 of the Constitution of India assailing the correctness of an interlocutory order passed by the Civil Judge, Senior Division, Rohtak, while dismissing their application for direction to medically examine plaintiff No.1 through a Board of Doctors to ascertain his mental soundness. Learned Court after examining the pleadings has found that the dispute between the parties is with regard to an immovable property. The suit has been filed by two plaintiffs i.e. Suresh Kumar and Tarun Nagpal S/o Suresh Kumar. There are no allegations against Tarun Nagpal who is plaintiff No.2. Still further, in the considered view of this Court, the medical examination of Suresh Kumar-plaintiff No.1 will not be relevant for the decision of the case.

Hence, no ground to interfere in exercise of the powers under

Article 227 of the Constitution of India, is made out.

Needless to say that the defendants will have a right to challenge the correctness of the order in view of Order 43 Rule 1A of the Code of Civil Procedure by filing an appeal against the decree.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

08th April 2021.
manju

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No