

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

116

CR-6510 of 2018 (O&M)
Date of decision: 23.09.2022

Jagwant Singh

..Petitioner

Versus

**Harbhajan Singh (since deceased) through his LRs
and others**

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tejinderbir Singh, Advocate
for the petitioner.

Ms. Manmohan Kaur, Advocate
for respondent no.1 to 6 and 16.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is a defendant no.4 in a suit for grant of decree of declaration that plaintiff no.1 is an owner to the extent of ½ share, plaintiff no.2 is owner to the extent of 1/4th share and plaintiff no.3 to 6 are owners to the extent of 1/4th share of the land measuring 61 kanals and 4 marlas.

The correctness of the sale deed executed in favour of the defendants on 10.06.1986 has also been questioned. Notice of the suit was issued for 18.09.2013, but the process server reported that the defendant no.4 (petitioner herein) does not reside at the address given in the plaint. Thereafter, the court directed service through publication in “Chardikalan” newspaper, however a publication was made in the “Daily Ashiana” newspaper.

An application for setting aside an ex-parte proceeding was filed which has been partly allowed by the court by directing him to join the proceedings from that stage only vide order dated 29.08.2018.

The learned counsel representing the petitioner (defendant no.4) admits that he has only been given opportunity to cross-examine the witnesses produced by the plaintiff.

Now the only question is “As to whether the petitioner should be permitted to file the written statement in order to complete the pleadings or not?”

It may be noted here that defendant no.5 (brother of the petitioner) has already filed a written statement.

Keeping in view the aforesaid facts, the trial court is requested to permit the petitioner to file a written statement. However, he will not be given further opportunity to cross-examine the witnesses examined by the plaintiff.

With these observations, the revision petition is disposed of

All the pending miscellaneous applications, if any, are also disposed of.

September 23, 2022

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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>