

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CR-279-2022

Date of Decision :24.01.2023

Kanwar Bhan

...Petitioner

Versus

Rajesh Devi

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh Goyal, Advocate for the petitioner.

Mr. S. K. Hooda, Advocate for the respondent.

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Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner submits that in the present case, the disability certificate (Annexure P/5) which was submitted by the applicant-Pardeep s/o Kanwar Bhan along with the application filed under Order 32 of the CPC to appoint the applicant as a Court Guardian for defending the case on behalf of his father-Kanwar Bhan, who is the plaintiff, has been rejected by the trial Court on the ground that the said disability certificate (Annexure P/5) does not describe the plaintiff to be of unsound mind.

Learned counsel for the petitioner further submits that the applicant will file a fresh application before the trial Court along with fresh opinion of the doctor concerned to the said effect which application be decided on merits by the trial Court and the present petition may kindly be

disposed of having been not pressed any further with the above said liberty.

Learned counsel for the respondent raises no objection to the said plea.

Keeping in view the same, the present petition is disposed of having been not pressed any further with liberty to the applicant to file an appropriate application with the concerned Court alongwith the requisite medical certificate showing mental disability of the plaintiff so as to raise cause of action to the applicant to be substituted as a next friend of the plaintiff.

January 24, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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