

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024:PHHC:010353

1. CR-2886-2018 (O&M)
Date of decision: 25.01.2024

CHANCHAL SINGH ..Petitioner
Versus

GENERAL PUBLIC AND ORS ..Respondents

2. RSA-5607-2018 (O&M)

CHANCHAL SINGH ..Appellant
Versus

RANA RAM SINGH AND ORS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunil Agnihotri, Advocate
for the petitioner.

Mr. Vipin Mahajan, Advocate
for respondent No.2 and 3.

ANIL KSHETARPAL, J(Oral)

1. On 22.11.2023, after hearing the learned counsel representing
the parties, the following order was passed:-

*“This Bench has heard the learned counsel representing
the parties at some length.*

*The dispute is with regard to the succession to the
amount of gratuity, leave encashment, insurance and
retiral benefits of late Sh. Raghbir Singh. The appellant
claims to be adopted son of late Sh. Raghbir Singh,
whereas, the respondent Sh. Rana Ram Singh is the
brother of late Sh. Raghbir Singh. In order to prove the
adoption, the plaintiff has relied upon a registered
adoption deed allegedly executed by late Sh. Raghbir
Singh on 01.03.1994. Apart therefrom, there is a
nomination by late Sh. Raghbir Singh in favour of his
adopted son i.e. the appellant. The respondent claims the
estate on the basis of natural succession claiming that the
appellant was never adopted. The learned counsel
representing the appellant contends that the registration
clerk from the office of Sub-Registrar was summoned to
prove the registered adoption deed and he appeared in
the examination-in-chief, however, he failed to appear to
face cross-examination. He admits that the official from
the Military Engineering Service was also produced to*

prove the nomination by late Sh. Raghbir Singh in favour of the appellant.

Notice of motion.

Sh. Vipin Mahajan, Advocate, accepts notice on behalf of the respondents.

The office is directed to requisition the lower Court record through a special messenger.

List the appeal as well as the connected revision petition for final disposal on 05.12.2023, in the urgent list.”

2. Today, the learned counsel representing the parties have come to a consensus. They jointly state that the petitioner in CR-2886-2018, who is also appellant in RSA-5607-2018, deserves to be granted opportunity to produce his evidence. They also state that the case be remanded back to the trial Court for deciding afresh after granting opportunity to the parties to lead further evidence.

3. Keeping in view the aforesaid agreement between the parties, the impugned judgments in regular second appeal and orders passed in succession certificate, are set aside. The proceedings in both the case are consolidated. The learned Civil Judge (Senior Division) is requested to assign both the cases to one presiding judge, who will decide the same in accordance with law.

4. The parties through their counsel are directed to appear before the Civil Judge (Senior Division) on 16.02.2024.

5. Civil revision and regular second appeal are disposed of accordingly.

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

January 25th, 2024

**(ANIL KSHETARPAL)
JUDGE**

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No