



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

**Sr. No.127**

**CR-348-2019**

**Date of Decision: 05.09.2024**

**KARAMJIT SINGH**

**....Petitioner**

**Versus**

**GURPREET SINGH AND OTHERS**

**.....Respondents**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

**Present:-** Mr. Rishav Jain, Advocate  
for the petitioner.

Mr. Shubham Thakur, Advocate, for  
Mr. Abhay K. Sharma, Advocate  
for respondents No.1 to 3 and 5.

Issuance of notice to respondent No.4 dispensed with  
vide order dated 12.07.2019.

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**ARCHANA PURI, J. (Oral)**

The petitioner has invoked the jurisdiction of this Court under Article 227 of the Constitution of India, thereby seeking setting aside of the order dated 03.01.2019 (Annexure P-1), passed by learned Additional Civil Judge, whereby the suit qua respondent No.5/defendant No.5, was dismissed.

It is submitted by the counsel for the petitioner that the petitioner had filed a suit against five persons, thereby seeking declaration to the effect that the petitioner/plaintiff is not the biological father of respondents No.1 and 2/defendants No.1 and 2 and they were born from illegitimate relations of respondent No.3/defendant No.3 with respondents



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No.4 and 5/defendants No.4 and 5. Further, it is submitted that at the stage, when the notice was issued to respondent No.1/defendant No.1, prior to making appearance of the respondents/defendants before the Trial Court, the Court concerned of its own, without any application having filed by any of the respondent/defendant, had adjudicated on the question of maintainability of suit qua respondent No.5/defendant No.5.

The reference has been made to an application under Section 156(3) Cr.P.C. Now, it is submitted by the counsel for the petitioner that in fact, there are clear allegations against the conduct of respondent No.3/defendant No.3, with respondents No.4 and 5/defendants No.4 and 5, specifically qua their illicit relationship. In the light of the same, reference ought not to have been made to the application under Section 156(3) Cr.P.C. and the contents of the same.

It is fairly conceded by the counsel for respondents No.1 to 3 and 5, that the impugned order was passed, prior to making appearance of respondent No.5/defendant No.5, before the Trial Court. In the given circumstances, he makes a submission that he has no objection, if the revision petition, as such, is accepted and the impugned order is set aside, as respondent No.5/defendant No.5 shall make appearance before learned Trial Court and seek appropriate remedy, *vis-a-vis* his right to pursue the suit, or challenge the same, on the basis of the contents of the plaint.

This Court is intentionally keeping a restraint, in not mentioning the veracity of the petition, or considering the contents of the application under Section 156(3) Cr.P.C., copy whereof is Annexure P-5. However, the revision petition is disposed of and the impugned order is set aside, without prejudice to the rights of the parties to be adjudicated on



merits.

Respondent No.5/defendant No.5 shall have the liberty to file any appropriate application, in accordance with law, to adjudicate his claim, *vis-a-vis* the suit in hand.

On query by the Court, it is submitted that the next date fixed before the Trial Court is 09.09.2024. The parties shall make appearance before the Court concerned/successor Court, on the date fixed i.e. 09.09.2024.

In view of the aforesaid terms, the revision petition stands disposed of.

05.09.2024  
Himanshu

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No