



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.No.5227 of 2018 (O&M)

Date of Order:20.05.2024

Shatrughan

.Petitioner

Versus

Karan Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunil Chadha, Sr. Advocate, with
Ms. Taanvi Dhull, Advocate
for the petitioner.

Mr. Ajay Jain, Advocate
for the respondent.

ANIL KSHETARPAL, J

1. In this revision petition, the petitioner assails the correctness of the order dated 03.08.2018, passed by the trial court while dismissing his application to recall the order dated 19.02.2018.

2. The learned senior counsel representing the petitioner submits that both the orders passed by the trial court dated 03.08.2018 and 19.02.2018, have been challenged.

3. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed

4. The petitioner filed a suit for specific performance of the agreement to sell allegedly executed by Sh. Karan Singh in his favour. During the pendency of the suit, the son of Sh. Karan Singh filed an application for permission to defend the suit on behalf of his father, who is stated to be suffering from 90% intellectual impairment. The trial court after

examining the two certificates, issued by the Post Graduate Institute of



Medical Sciences, Rohtak, in the year 2014, permitted Sh. Karan Singh's son to defend the suit on behalf of his father. The petitioner filed the revision petition to challenge the correctness of the aforesaid order, however, the petition was subsequently withdrawn in order to file an application to avail the alternative remedy. Thereafter, the application for recall of the order dated 19.02.2018, was filed which, as already noticed, has been dismissed on 03.08.2018.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

6. The learned senior counsel representing the petitioner submits that vide order dated 19.02.2018, the respondent has been declared a person of unsound mind without holding proper inquiry. He submits that the declaration should not have been granted without framing a specific issue on this aspect. He further submits that the respondent has been following his routine ordinarily, as he is ploughing the fields as well as operating his bank accounts. He submits that the court below should have summoned the respondent in the court and examined him in evidence.

7. Per contra, the learned counsel representing the respondent submits that a reputed government hospital has already certified that Sh. Karan Singh is suffering from 90% intellectual impairment.

8. This court has considered the submissions of the learned counsel representing the parties.

9. It may be noted here that Sh. Karan Singh's son has only been permitted to defend the case on behalf of his father. The impugned order passed by the trial court on 19.02.2018 or 03.08.2018 does not amount to

declaration that the respondent-Karan Singh suffers from a mental disability.

10. Moreover, it shall be open to the parties to lead evidence to support their contentions when the case shall be fixed for taking evidence. At this stage, it would not be appropriate to interfere with the impugned orders.

11. With these observations, the revision petition is disposed of.

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

May 20, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO