

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-8066-2018 (O&M)
Date of Decision:-**04.04.2024**

GURSHARAN KAUR AND ANR

... Petitioner(s)

Versus

NAVJOT SINGH AND ORS

... Respondent(s)

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CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present:- Mr. Prateek Sodhi, Advocate
for the petitioners.

Mr. Harsh Naga, Advocate
for the respondents.

RITU TAGORE, J. (Oral)

1. Heard.
2. This revision petition is against order dated 22.10.2018 (Annexure P-6), passed by learned Civil Judge (Junior Division), Amritsar, whereby learned Trial Court dismissed the application preferred by the petitioners for dismissal of the suit on account of non-compliance of provisions of Order 32 Rule 3 CPC read with Section 151 CPC.
2. The prime grievance of the petitioners is that the respondents have not complied with the provisions of Order 32 Rule 3 read Section 151 CPC with respect to respondent No.3, who is a differently abled child.
3. On the other hand, learned counsel submits that respondents have already filed an application under Order 32 Rules 4, 15 CPC read with

Section 151 CPC on 05.12.2018 before the learned Trial Court for compliance of the aforesaid provisions with respect to respondent No.3 and placed on record an attested copy of application under Order 32 Rules 4, 15 CPC read with Section 151 CPC, the same is taken on record, subject to just exceptions.

4. However, the learned counsel submits that on account of stay granted by this Court on 18.12.2018, further proceedings in the case as well as in the application have not been taken by the learned Trial Court.

5. In view of the above submissions that the application for compliance of provisions of Order 32 Rules 4, 15 CPC read with Section 151 CPC has been filed by the respondents before the learned Trial Court for appointment of a Guardian for respondent No.3, an infirm/special child, the present revision petition is disposed of with direction to the learned Trial Court to proceed with the case and the application, as per law. Accordingly, stay granted on 18.12.2018 by this Court is vacated.

6. Since the main case has been decided, pending miscellaneous application(s), if any, are also disposed of accordingly.

04.04.2024
Gaurav Sorot

(RITU TAGORE)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No