



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 772 of 2024 (O&M)
Date of Decision: 29.07.2024

Manjit Kaur (since deceased) through her
legal representative Parminder Singh

..... Petitioner

Versus

Barinder Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

HARKESH MANUJA, J. (ORAL)

The petitioner-Parminder Singh (legal representative of his mother-Manjit Kaur), by way of present revision petition, seeks setting aside of an order dated 12.01.2023 (Annexure P-4) passed by the learned Additional Civil Judge (Senior Division), Tarn Taran (**hereinafter to be referred as “trial Court”**), whereby his application seeking revival of the suit for declaration with consequential relief of partition, separate possession and permanent injunction, filed at the instance of his mother-Manjit Kaur alongwith her real sister, namely, Kanwaljit Kaur, stands declined.

[2] Briefly stating, a suit for declaration, separate possession by way of partition as well as permanent injunction claiming share in the *shamlat deh* and *abadi deh* left by Jaswant Singh, Harjit Singh and

Kuldip Kaur alongwith their share in Smadh Baba Akali Phoola Singh as well as in the *abadi* area of Village Tarn Taran Jarai, Tehsil & District Tarn Taran, came to be filed at the instance of Kanwaljit Kaur and Manjit Kaur, both daughters of Jaswant Singh. The said suit came to be dismissed by the trial Court vide judgment and decree dated 24.10.2013.

[3] Aggrieved thereof, one of the plaintiffs, namely, Manjit Kaur, filed first appeal, wherein vide judgment and decree dated 15.03.2016 passed by the Court of Additional District Judge, Tarn Taran (**hereinafter to be called as “First Appellate Court”**), the judgment and decree passed by the trial Court was set aside and the suit was remanded back to the trial Court for its fresh adjudication.

[4] In pursuance thereof, while the proceedings before the trial Court were deferred for 21.07.2018, in between, the matter was referred to the National Lok Adalat for 14.07.2018. On the said date, the parties appeared in person before the Presiding Officer, National Lok Adalat, Tarn Taran and a statement was made on their behalf about the compromise been arrived at between them, which resulted into withdrawal of the suit. For reference, the order dated 14.07.2018 passed by the Presiding Officer, National Lok Adalat, Tarn Taran, is reproduced hereunder:-

“ Present: Parties in person.

File taken up today on the application filed by the plaintiff. Matter taken up in the National Lok Adalat.

Sh. Jaideep Ratti, Advocate has filed power of attorney on behalf of plaintiffs. Learned Counsel for the plaintiff has suffered statement that the matter has been compromised between the parties. As such, he do not wish to continue the present suit. In view of his statement, the present suit stands dismissed as withdrawn being compromised. File be consigned to the record room after due compilation.

1.	Member _____	Sumit Bhalla
2.	Member _____	Presiding Officer
		National Lok Adalat
		Tarn Taran-14.07.2018 ”

[5] Soon thereafter, the mother of petitioner, namely, Manjit Kaur, died on 12.09.2018. Later, on 01.02.2021, the petitioner (Parminder Singh) being son of Manjit Kaur moved an application seeking withdrawal of the order dated 14.07.2018 passed by the National Lok Adalat, while submitting that his mother never entered into any such kind of settlement as pointed therein and thus, prayed for restoration of the suit for its adjudication on merits.

[6] Notice of the aforesaid application was served upon the defendants. The trial Court vide order dated 12.01.2023 (Annexure P-4) dismissed the said application moved on behalf of the petitioner. Hence, the present revision petition.

[7] Impugning the aforesaid order dated 12.01.2023 (Annexure P-4), learned counsel for the petitioner submits that the mother of the petitioner never engaged any counsel in the name of Sh. Jaideep Ratti, Advocate, who filed his power of attorney on her behalf before the National Lok Adalat and thus, the order dated 14.07.2018

passed by National Lok Adalat, was wholly vitiated and accordingly, liable to be recalled with restoration of the suit. He **further submits** that the mother of petitioner never even signed any such compromise dated 14.07.2018, which was made part of the Court proceedings at the time of withdrawal of the suit and thus, prays for its restoration.

No other argument has been raised on behalf of the petitioner

[8] After hearing learned counsel for petitioner and having gone through the paper-book, I am unable to find substance in the submissions made on behalf of the petitioner.

[9] A perusal of the record shows that in terms of order dated 14.07.2018, the mother of petitioner, namely, Manjit Kaur appeared in person before the National Lok Adalat on 14.07.2018 having entered into a settlement with the defendants, withdrew her suit. To rebut the same, no effort was ever made by the petitioner to have disproved her presence, her signatures / thumb impressions on the power of attorney handed over to Sh. Jaideep Ratti, Advocate, besides comparing those from the compromise dated 14.07.2018 (Annexure P-7 / Page-66 of the paper-book) with her standard signatures/thumb impressions. In such circumstances, no illegality or perversity can be found with the order passed by the trial Court, especially when neither Manjit Kaur nor even the other co-plaintiff, namely, Kanwaljit Kaur, who both happened to be real sisters ever sought restoration / revival of the suit assailing the order dated 14.07.2018 passed by the Presiding Officer, National Lok

Adalat and the application in hand by the petitioner was filed after a gap of more than two and half (2½) years thereof, without explaining the inordinate delay.

[10] Consequently, finding no merit in the present revision petition, the same is hereby **dismissed**.

[11] Pending miscellaneous application(s), if any, shall also stand disposed off.

July 29, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No