

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1588-2024

Date of decision: March 13, 2024

Sunita Devi

....Petitioner

Versus

Sukhdev Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Gurmeet Singh, Advocate and
Mr. S. K. Kanojia, Advocate
for the petitioner.

ANIL KSHETARPAL, J (Oral)

1. The petitioner's husband filed a suit for grant of decree of permanent injunction. Thereafter he migrated to the United States of America. The petitioner filed an application for her impleadment as a co-plaintiff which has been dismissed by the trial court. It is evident that case is now at the stage of plaintiff's evidence. The trial Court has even permitted the plaintiff to depose through video conferencing. The petitioner has filed this revision petition to challenge the correctness of the aforesaid order passed by the Trial Court.
2. Learned counsel representing the petitioner contends that the petitioner's husband has migrated to the United States of America illegally and therefore he cannot go to the Indian Embassy to record his evidence to attend the court proceedings, hence the application was filed.
3. This Court has considered the submissions of the learned counsel representing the petitioner. It is evident that the petitioner is the plaintiff's wife.

She, in absence of the plaintiff should be permitted to prosecute the case on behalf of her husband.

4. Keeping in view the aforesaid facts the revision petition is disposed of with a direction to the trial court to permit the petitioner to prosecute the case on behalf of her husband including the appearance in evidence.

5. In view of the aforesaid facts, no ground to interfere is made out.

6. The present petition is dismissed accordingly.

(ANIL KSHETARPAL)
JUDGE

March 13, 2024
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Whether speaking/reasoned : Yes
Whether reportable : No