



CWP-23513-2024(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-23513-2024(O&M)
Date of decision: 16.09.2024

Chandu Lal

...Petitioner

Versus

Smt. Maya Devi deceased through LRs.

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Petitioner in person.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed *inter alia* for the following relief :-

“It is, therefore, most respectfully humbly prayed My Lord that, may kindly please be set aside or quashed the forged create contrary to record ex- party order dated 29.07.2015 Annexure P-35 against petitioner/ defendant from the date of ex-party order and may also be joined the proceedings form the date of ex-party 29.07.2015 due to passed contrary to record ex-party order and case may kindly please be fixed for evidence of petitioner/defendant in the interest of justice. Because suit never fixed for evidence of defendant evidence, due to contrary to record biased false and forged create orders. Hence may be directed the Ld. Trial Court to lead the evidence of the petitioner/defendant in his defence, in the interest of real and original justice.

i. It is, therefore, most respectfully humbly prayed My Lord that, may kindly please be restored the without hearing unjustified dismissed C.R 205 of 2018 and reheard by double bench of Hon'ble senior judges of Hon'ble High Court, except Hon'ble Mr. Anil Khester Pal Judge in national language Hindi, in the interest of



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original and real justice to restrain the unjustified passed order dated 22.05.2024. ii.

It is further prayed that, during the pendency of the present petition further proceedings before the Ld. Trial Court in Civil suit No.289/21.12.2002, C.S. 20655 of 2014 pending for 04.11.2024 in the Court of Sh. Amit Goutam civil judge (Sr. Div.) Gurugram, may kindly be stayed in the interest of justice.

iii. *It is further prayed that the, respondents no.1, 2 and 3 are not master of this case. even then absolutely Bar by law suit is illegally running L.R's against L.R's under influence of Man Mohahn Krishan Dang advocate to mislead the learned Court since year 2002, Whereas [Actio-Personalis Moriture-cum-persona] defendant is real son of Smt. Maya Devi and also legal heir of Smt. Maya Devi deceased, So her legal heir cannot be made defendant after her death in her suit. Therefore suit is absolutely bar by law L.R's against L.R of deceased plaintiff may kindly please be rejected.*

iv. *It is, therefore, most respectfully further humbly prayed My Lord that, that the contrary to the suit property and contrary to the suit forged false fabricated fictitious null and void wills, will dated 30.09.2002 vasika no.347 Annexure P-7, will dated 08.10.2002 vasika no.356 Annexure P-8, will dated 08.10.2002 vasika no.357 Annexure P-9 and forged will dated 20.01.2003 Annexure P-10 by the name of rustic, aged, illiterate, unsound mind and not in earning hand mother Smt. Maya Devi, filed by respondents no. 1, 2 and 3 may kindly please be quashed as per para no. 6, 7, 8 and 9 in the interest of original and real justice.*

v. *It is further prayed that the exemption may kindly be granted from filing the certified/ typed/ translation copies of annexure P-1 to P-48, in the interest of justice.*



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vi. *It is further prayed that deceased plaintiff's LR's respondents and their counsel have not any right to amend the original filed suit of deceased plaintiff after her death. Hence may be quashed the forged back date 07.09.2004 amended plaint with both forged crate orders 21.07.07 and 26.07.07 and suit may be decided as per originally filed suit of deceased plaintiff which was received with summon on date 10.01.2003 by court order 21.12.2002 Annexure P-11.*

Any other order or direction, which this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the case may also be issued in favour of the petitioner."

During the course of arguments, the petitioner, who is appearing in person submits that his grievance primarily is against the facts that the claim has been wrongly noticed in the order dated 22.05.2024 passed by a Coordinate Bench in CR No.205 of 2018. On being confronted with the fact that a challenge to an order passed by the Single Bench cannot be raised before a Coordinate Bench exercising writ jurisdiction and in the event of any factual error in the order against which the grievance accrues, an appropriate remedy would be an application for recall/review before the same Bench, the petitioner seeks withdrawal of the present petition so as to take recourse to appropriate remedy available in accordance with law.

Disposed of as withdrawn with the liberty as aforesaid.

All pending miscellaneous applications also stand disposed of.

16.09.2024
monika

(VINOD S. BHARDWAJ)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No