

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****RSA-1388-2024 (O&M)****Date of Decision : 23.07.2025**

Rajesh Sharma (deceased) through LRs

....Appellants

VERSUS

Vijay Kumar Sharma and Another

....Respondents

**RSA-1963-2024 (O&M)**

Rimpy Sharma and Others

....Appellants

VERSUS

Vijay Kumar Sharma and Another

....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Ms. Harman Preet Kaur (Simmi), Advocate for the appellants.

**ALKA SARIN, J. (Oral)**

1. The above-captioned appeals were heard and reserved on 13.02.2025. On 18.02.2025 the following order was passed :

*“The above noted two appeals have been filed by Mrs. Rimpi Sharma, Aman Sharma and Aditi Sharma, who are the legal heirs of late Rajesh Sharma, and were reserved on 13.02.2025.*

*In the memo of parties of RSA-1388-2024, Aman Sharma and Aditi Sharma have been described as minors, and they have sued through their mother who in turn has sued*

*through an attorney appointed by her. The vakalatnama is signed by the said attorney, Jaswinder Singh Kamboj.*

*In the memo of parties of RSA-1963-2024, Aman Sharma and Aditi Sharma have been described as majors.*

*However, the vakalatnama is not signed by them but by the attorney of their mother, Jaswinder Singh Kamboj.*

*If Aman Sharma and Aditi Sharma are both now major, the appeals can be filed in their name only if they authorize an advocate either themselves or through an attorney. There is no such authorization available on the record of both the appeals.*

*Put up for re-hearing on 23.07.2025 for counsel for the appellants to explain how both the appeals are maintainable at the behest of Aman Sharma and Aditi Sharma.*

*Photocopy of this order be placed on the file of the connected case.”*

2. Today applications being CM-8600-C-2025 and CM-8412-C-2025 have been filed in both the above appeals under Order XXXII Rule 12 of the Code of Civil Procedure, 1908. Order XXXII Rule 12 CPC reads as under :

*“12. Course to be followed by minor plaintiff or applicant on attaining majority. - (1) A minor plaintiff or a minor not a party to a suit on whose behalf an*

*application is pending shall, on attaining majority, elect whether he will proceed with the suit or application.*

*(2) Where he elects to proceed with the suit or application, he shall apply for an order discharging the next friend and for leave to proceed in his own name.*

*(3) The title of the suit or application shall in such case be corrected so as to read henceforth thus:*

*“A.B., late a minor, by C.D., his next friend, but now having attained majority.”.*

*(4) Where he elects to abandon the suit or application, he shall, if a sole plaintiff or sole applicant, apply for an order to dismiss the suit or application on repayment of the costs incurred by the defendant or opposite party or which may have been paid by his next friend.*

*(5) Any application under this rule may be made ex parte but no order discharging a next friend and permitting a minor plaintiff to proceed in his own name shall be made without notice to the next friend.”*

3. Prayer in the applications is that the appellants be permitted to continue the proceedings in the present appeals on their behalf through Special Power of Attorney Jasvinder Singh, Advocate. A photocopy of the Special Power of Attorney has been appended with the applications being CM-8600-C-2025 and CM-8412-C-2025, which is dated 26.03.2025. The appeals were preferred on 25.04.2024 and 30.07.2024 respectively and the

*vakalatnama* was signed by Jasvinder Singh, Advocate on behalf of the appellants, who are now majors. It is not understandable as to how *vakalatnama* could be signed by a person even prior to the power of attorney being given in his favour. Additionally, only a photocopy of the Special Power of Attorney has been appended, which is not even apostilled by the Indian High Commission in Canada.

4. Faced with the same, learned counsel for the appellants seeks permission to withdraw both the appeals itself with liberty to file afresh.

5. Dismissed as withdrawn with liberty aforesaid. Pending applications, if any, also stand disposed off.

23.07.2025

jk

**( ALKA SARIN )**  
**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO