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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-1872-2021 (O&M)

Date of Decision : 02.12.2025

Charanjit Kaur

... Petitioner

Versus

Surjit Kaur (since deceased) through LR and Ors

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Jain, Senior Advocate with
1Mr. Varun Parkash, Advocate for the petitioner.

Mr. Manbir Singh Batth, Advocate for respondent No.2.

Mr. Nitin Thatai, Advocate for respondent Nos.10 and 11.

None for respondent Nos.1, 3, 4, 6, 7, 12, 13, 14, 16 to 22,
24 and 25.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed challenging the order dated 20.08.2021 whereby the application filed by the plaintiff-petitioner for directing Special Kanungo in the office of Deputy Commissioner, Ludhiana to prepare the excerpt of Intkhab of the properties was dismissed.

2. On 09.09.2021 the following order was passed :

“ Submits that the impugned order dated 20.08.2021 (Annexure P-12) is not justified in any manner whereby the request of the petitioner for preparation of excerpt was not allowed on the ground that the plaintiff-petitioner had

stepped into the witness-box and also been partly cross-examined. It is submitted that it is not disputed that the application was filed on 29.07.2019 (Annexure P-4) even before additional issues were framed on 07.11.2019 (Annexure P-7) and was adjourned repeatedly for filing of reply by the defendant-respondents while referring to the zimni orders. It is submitted that even after the Courts opened after the first wave of COVID-2019, the counsel wanted to press the application while referring to the zimni order dated 25.02.2021 (page 45) but the Court took no positive steps to decide the application. It is submitted that for the fault of the Court petitioner cannot be penalized as the whole case is based on the ground that the property in dispute is ancestral in nature.

Notice of motion for 28.10.2021.

Service be effected upon the respondents-defendants through their counsels who are representing them in the Trial Court, as per the presence shown in the impugned order.

Since it is the plaintiff-petitioner's suit, she will be permitted to continue with her evidence and it shall not be closed by order till further directions of this Court."

3. Learned counsel appearing on behalf of respondent Nos.2, 10 and 11 is not in a position to dispute the fact that the application dated 29.07.2019 (Annexure P-4) was filed prior to the framing of the additional issues on 07.11.2019 (Annexure P-7). In view of the fact that the application

had already been filed prior to the framing of the issues, the reasoning given by the Trial Court that the same had been filed after the evidence of the plaintiff-petitioner had commenced cannot be sustained. The plaintiff-petitioner cannot be made to suffer because of the fact that the application remained undecided by the Court.

4. In view of the above, the impugned order dated 20.08.2021 is set aside. Consequently, the application stands allowed.

5. Present revision petition is disposed off in the above terms. Pending applications, if any, also stand disposed off.

02.12.2025
jk

(ALKA SARIN)
JUDGE

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