



CR-4372-2019 (O&M)

-1-

242

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR-4372-2019 (O&M)
Date of Decision: 27.08.2025**

Ram Phal

.....Petitioner

Vs.

Birmati

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Kunal Mulwani, Advocate,
for the petitioner.

SUDEEPTI SHARMA J. (ORAL)

1. Challenge in the present petition is for setting aside the impugned order dated 03.07.2019 passed by the learned Additional Civil Judge (Junior Division), Jind, whereby, the application under Order 6 Rule 17 CPC filed by the petitioner for amendment of the written statement has been rejected.

2. Vide order dated 17.07.2019, this Court stayed the passing of final order in the suit. Thereafter, on 10.03.2025, the following order was passed by this Court:-

“As reported by registry, notice issued to respondent through her counsel received back with the report that he is not in touch with the party and so, service may be directly get affected.

Learned counsel for the petitioner has placed on record copy of the order dated 04.10.2023 passed by the trial Court, which reads as under:



“CNR No:HRJN020008472015 CIS No:CS/609/2015

Birma Vs Ramphal etc.

*Present: None for plaintiff.
Sh. R.S. Nain, Advocate for defendant.*

Summon issued to counsel of plaintiff received back with report that the plaintiff is not in contact with him. Therefore, he cannot receive the summon and the summons be sent to the plaintiff. Perusal of file shows that counsel of plaintiff has furnished the information on 17.05.2023 that the plaintiff has expired. LR's of plaintiff have come forward to pursue the case. Hon'ble High Court has directed not to pass the final order in the present case, therefore, case is adjourned to 30.10.2023 for further order of Hon'ble High Court.

*Sachin Kumar
CJ(JD)/JMIC/RC/Jind*

*Date of order: 04.10.2023 UID no. HR0383
Jinu Bala”*

The respondent before this Court is the plaintiff before the trial Court. The order of the trial Court as reproduced above would reveal that plaintiff i.e. respondent herein has since expired and no one has approached the trial Court to implead him/her as LRs.

*It is because of the interim order passed by this Court, the trial Court is unable to pass any order.
Adjourned to 23.07.2025.*

Interim order dated 17.07.2019 passed by this Court is hereby vacated. However in case, any fresh cause of action arises in favour of the petitioner-defendant, he will be at liberty to approach this Court for getting the interim order revived.”

3. Learned counsel for the petitioner contends that the stay has already been vacated vide order dated 10.03.2025. Further, as noted down in order dated 10.03.2025, the respondent i.e. the plaintiff before the learned trial Court has since expired and his legal representatives have not come



CR-4372-2019 (O&M)

-3-

forward to pursue the plaint filed by the respondent herein. He further contends that on 30.07.2025, learned Civil Judge (Senior Division)/Rent Controller, Jind, passed the following order:-

“No further order received from the Hon’ble High Court.

Copy of case details for CR-4372-2019 titled as Ramphal Vs Birmati placed on record retrieved from the website which shows that the next date is 27.08.2025. In view thereof, to come up on 16.09.2025 for awaiting further order of Hon’ble High Court.

None has appeared on behalf of plaintiff. Let, court notice to plaintiff be issued for date fixed i.e. 16.09.2025.”

4. A perusal of the record shows that the order dated 17.07.2019 passed by this Court was not properly interpreted by the learned trial Court. In the said order dated 17.07.2019, only the passing of the final order in the suit was stayed and not the proceedings. Furthermore, vide order dated 10.03.2025, the interim order dated 17.07.2019 passed by this Court has already been vacated.

5. Accordingly, it is clarified that since there is no stay as on date, therefore, learned trial Court is directed to proceed further with the proceedings.

6. Learned counsel for the petitioner submits that since the respondent has expired and her legal representatives have not yet been impleaded in the civil suit, therefore, he does not press the present petition at this stage.



CR-4372-2019 (O&M)

-4-

7. In view of the above, the present petition is dismissed as not pressed. Liberty is, however, granted to the petitioner to revive the present petition as and when any cause of action survives.

8. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

27.08.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No