

No - 1104

DF - 28-04-22



COURT NOTICE
(U/o 5 Rule 20 CPC)

IN THE COURT OF Shri Amit Ahlawat
Civil Judge Junior Division - III, Sirsa

BALKAR SINGH
Vs.
GURDEEP KAUR

NEWSPAPER PUBLICATION

CNR No. HRSI02-001025-2021

Next Date:- 30-05-2022

PUBLICATION ISSUED TO:

D1(b) Sarabjeet kaur d/o Joginder Singh, D4(c) Harjeet Kaur d/o sh. Sohan singh ,
D4(B) Mahinder singh s/o Sh. Sohan singh , D4(a) Harjinder singh s/o sh. Sohan
singh , D2(b) Sukhdev singh s/o Karam singh , D1(a)(ii) Mandeep s/o Amarjeet
ingh All are R/O VILLAGE SHAMSHABAD PATTI, TEHSIL AND DISTRICT
SIRSA, D5(c) Kirandeep Kaur s/o of Kamaljeet kaur d/o sh. Jarnail singh R/o
village Salarpur, Sirsa

In above titled case, the defendant(s)/respondent(s) could not be served. It is ordered that
defendant(s)/respondent(s) should appear in person or through counsel on 30-05-2022 at 10:00
a.m.

For details logon to https://highcourtchd.gov.in/?trs=district_notice&district=Sirsa



Civil Judge Junior Division - III
Sirsa

Dated, this day of 22-04-2022

(Not to be published in newspaper)

Forwarded to the Manager, DAINIK JAGRAN , , for publication and necessary compliance.
Copy of Publication be sent to the Court of undersigned before the next date of hearing.



Civil Judge Junior Division - III
Sirsa

COURT NOTICE

IN THE COURT OF Shri Amit Ahlawat
Civil Judge Junior Division - III, Sirsa

BALKAR SINGH
Vs.
GURDEEP KAUR

PAYMENT ORDER

To

The Advertisement Manager,
DAINIK JAGRAN

Receipt No. 63

Amount 6000/-

Dated 21-04-2022



Civil Judge Junior Division - III
Sirsa

For Uploading on Website

**COURT NOTICE
(U/o 5 Rule 20 CPC)**

**IN THE COURT OF Shri Amit Ahlawat
Civil Judge Junior Division - III Sirsa**

**Next Date, Purpose of case, Orders and Judgments as well as other
case information is available on <http://ecourts.gov.in>**

**BALKAR SINGH
Vs.
GURDEEP KAUR**

CNR No. HRSI02-001025-2021

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singh , D2(b) Sukhdev singh s/o Karam singh , D1(a)(ii) Mandeep s/o Amarjeet
ingh All are R/O VILLAGE SHAMSHABAD PATTI, TEHSIL AND DISTRICT
SIRSA, D5(c) Kirandeep Kaur s/o of Kamaljeet kaur d/o sh. Jarnail singh R/o
village Salarpur, Sirsa.**

To,

The Manager
DAINIK JAGRAN.

Whereas it has been proved to the satisfaction of the Court that the
defendant(s)/respondent(s) above named cannot be served in the ordinary way of service. Hence,
this proclamation **under order 5 Rule 20 CPC** is hereby issued against him/them and should
appear personally or through their counsel on **30-05-2022 at 10:00 a.m.**

Take notice that, in default of his/their appearance on the day before mentioned, the above
said case will be heard and determined in his/their absence according to law.

Given under my hand and the seal of the Court, this **22-04-2022**.

**Civil Judge Junior Division - III
Sirsa**



O/C

AMENDED TITLE
IN THE COURT OF SHRI AMIT AHLAWAT, CIVIL JUDGE
(JUNIOR DIVISION), SIRSA.

Balkar Singh, aged 83 years, son of Shri Puran Singh son of Shri Jagat Singh, resident of village Shamshabad Patti, Sirsa, Tehsil and District Sirsa.

...Plaintiff

Versus

Gurdeep Kaur wife of Shri Jarnail Singh son of Shri Sher Singh (since deceased), through her LRs:
(I) Joginder Singh (since deceased) son of Jarnail Singh son of Shri Sher Singh, represented by his legal heirs:-

(a) Amarjeet Singh (since deceased) son of Shri Joginder Singh son of Shri Jarnail Singh, represented by his legal heirs:-

(a) (i) Jagroop Singh - son (a) (ii) Mandeep Singh - son of Amarjeet Singh son of Joginder Singh son of Jarnail Singh,
(b) Sarabjeet Kaur daughter of Joginder Singh son of Shri Jarnail Singh,

It is relevant to mention here that Joginder Singh (deceased) had one another son namely Ajit Singh but he died unmarried and issueless, therefore, his legal heirs are the other legal heirs of Joginder Singh, as detailed above.

(II) Karam Singh (since deceased) son of Shri Jarnail Singh son of Shri Sher Singh, represented by his legal heirs:-

(a) Surinder Singh, (b) Sukhdev Singh - sons,
(c) Jasbir Kaur, (d) Manjit Kaur, (e) Ranjit Kaur - daughters of Karam Singh son of Shri Jarnail Singh,

(III) Mohan Singh (since deceased) son of Jarnail Singh son of Sher Singh, represented by his legal heirs:-

(a) Palwinder Singh (since deceased) son of Mohan Singh son of Jarnail, represented by his legal heirs:

- (i) Pinder Kaur-widow, (ii) Gurpreet Singh-son
(iii) Amandeep Kaur-daughter of Shri
Palwinder Singh son of Shri Mohan Singh son of
Shri Jarnail Singh, resident of village
Shamshabad Patti, Tehsil and District Sirsa.
(b) Paramjit Singh - son, (c) Balwinder Kaur -
daughter of Mohan Singh son of Shri Jarnail
Singh,

(IV) Sohan Singh (since deceased) son of Shri
Jarnail Singh son of Shri Sher Singh, now
represented by his legal heirs:-

- (a) Harjinder Singh (b) Mahinder Singh - sons
(c) Harjeet Kaur daughter of Shri Sohan Singh
son of Shri Jarnail Singh,
...all residents of village Shamshabad Patti,
Tehsil and District Sirsa.

(V) Kamaljeet Kaur (since deceased) daughter of
Jarnail Singh son of Shri Sher Singh, now
represented by her legal heirs:-

- (a) Balwinder Singh, (b) Paramjit Singh -
sons (c) Kirandeep Kaur - daughter of Smt.
Kamaljeet Kaur daughter of Shri Jarnail Singh
son of Sher Singh, residents of village
Salarpur, Tehsil and District Sirsa.
...Defendants

Suit for declaration

Sirsa/dt. 8/4/22

...Submitted by:
Balkar Singh son of Shri Puran Singh
son of Shri Jagat Singh, resident of
village Shamshabad Patti, Sirsa,
Tehsil and District Sirsa.
...Plaintiff

Through:
I.S. Sandhu, Advocate,
Sirsa.

O/C
Recd
26/11/21

IN THE COURT OF CIVIL JUDGE (SENIOR DIVISION),
SIRSA.

Balkar Singh, aged 83 years, son of Shri Puran Singh son of Shri Jagat Singh, resident of village Shamshabad Patti, Sirsa, Tehsil and District Sirsa.

...Plaintiff

Versus

Gurdeep Kaur wife of Shri Jarnail Singh son of Shri Sher Singh (since deceased), through her LRs:
(I) Joginder Singh (since deceased) son of Jarnail Singh son of Shri Sher Singh, represented by his legal heirs:-

(a) Amarjeet Singh (since deceased) son of Shri Joginder Singh son of Shri Jarnail Singh, represented by his legal heirs:-

E.P. (a) (i) Jagroop Singh - son (a) (ii) Mandeep Singh - son of Amarjeet Singh son of Joginder Singh son of Jarnail Singh,

Mandeep (b) Sarabjeet Kaur daughter of Joginder Singh son of Shri Jarnail Singh,

It is relevant to mention here that Joginder Singh (deceased) had one another son namely Ajit Singh, but he died unmarried and issueless, therefore, his legal heirs are the other legal heirs of Joginder Singh, as detailed above.

(II) Karam Singh (since deceased) son of Shri Jarnail Singh son of Shri Sher Singh, represented by his legal heirs:-

A.R.D.E

E.P. (a) Surinder Singh, (b) Sukhdev Singh - sons, (c) Jasbir Kaur, (d) Manjit Kaur, (e) Ranjit
E.P. E.P. Ex. 9/21

Kaur - daughters of Karam Singh son of Shri Jarnail Singh,

(III) Mohan Singh (since deceased) son of Jarnail Singh son of Sher Singh, represented by his legal heirs:-

EP (a) Palwinder Singh *EP* (b) Paramjit Singh - sons,
EP (c) Balwinder Kaur - daughter of Mohan Singh
son of Shri Jarnail Singh,

(IV) Sohan Singh (since deceased) son of Shri Jarnail Singh son of Shri Sher Singh, now represented by his legal heirs:-

Gr Campbell (a) Harjinder Singh (b) Mahinder Singh -
sons (c) Harjeet Kaur daughter of Shri
Sohan Singh son of Shri Jarnail Singh,

...all residents of village Shamshabad Patti,
Tehsil and District Sirsa.

(V) Kamaljeet Kaur (since deceased) daughter
of Jarnail Singh son of Shri Sher Singh, now
represented by her legal heirs:-

(a) Balwinder Singh, *EP* (b) Paramjit Singh -
sons (c) Kirandeep Kaur - daughter of Smt.
Kamaljeet Kaur daughter of Shri Jarnail Singh
son of Sher Singh, residents of village
Salarpur, Tehsil and District Sirsa.

...Defendants

Suit for declaration to the effect that
order dated 10.12.2018, passed by the
Court of District Revenue Officer with

the powers of Collector, Sirsa in case no.1-CTM/12.1.2015 i.e. application for redemption of land, titled as "Balkar Singh Vs Gurdeep Kaur (since deceased) represented by her legal heirs", vide which, the Ld. Collector dismissed the said application for redemption of land in default in respect of land measuring 15 kanal 7 marlas, comprising in Sq. No.97, Killa NO.20/1(3-15), 20/2(4-5), 21(7-7), situated with the revenue estate of village Shamshabad Patti, Tehsil and District Sirsa, is quite wrong, against law, against facts, and as such, the same is liable to be set-aside and further declaration for redemption of the land measuring 15 kanal 7 marlas, comprising in Sq. No.97, Killa NO.20/1(3-15), 20/2(4-5), 21(7-7), situated with the revenue estate of village Shamshabad Patti, Tehsil and District Sirsa in favour of the plaintiff and for delivery of symbolic possession of the suit land to the plaintiff and the revenue entries showing the position contrary to it, are

liable to be corrected in favour of plaintiff, on the basis of evidence of every description, oral as well as documentary.

Sir,

The plaintiff, respectfully, submits as under:-

1. That plaintiff at present is about 83 years of age and thus, he is a senior citizen.
2. That land in question measuring 15 kanal 7 marlas, comprising in Sq. No.97, Killa NO.20/1(3-15), 20/2(4-5), 21(7-7), situated with the revenue estate of village Shamshabad Patti, Tehsil and District Sirsa, was earlier owned and possessed by Shri Puran Singh son of Shri Jagat Singh, father of the plaintiff. Shri Puran Singh had mortgaged the land in question with the defendant-Gurdeep Kaur (since deceased) wife of Shri Jarnail Singh vide registered mortgage deed no.746 dated 6.6.1970 for a sum of Rs.5,000/-. On the basis of this registered mortgage, mutation no.838 was duly entered and sanctioned in favour of the defendant Gurdeep Kaur (since deceased).

3. That father of plaintiff Shri Puran Singh has since died and after his death, the aforesaid land came in the ownership of the plaintiff by way of inheritance.

4. That the plaintiff had filed an application for redemption of the suit land measuring 15 kanal 7 marlas, titled as Balkar Singh s Gurdeep Kaur, which was registered as case NO.1-CTM/12.1.2015 in the Court of Ld. Collector, Sirsa.

5. That the plaintiff being an aged person having age of about 83 years of age, on 10.12.2018 the plaintiff could not attend the Court of Ld. Collector as he suffered a fracture on his hip-joint and he remained confined to bed. The plaintiff took treatment from Desi Hakeem and Vaidya and other Desi Ortho experts. The plaintiff could not move about for months together. So, during this entire period, the plaintiff could neither make a contact with his lawyer nor could attend the Ld. Court of Collector being completely bed ridden.

6. That due to non-appearance of plaintiff on 10.12.2018 the Ld. Collector dismissed the above application in default. The non-appearance

of plaintiff was neither willful nor malafide, but due to above reason. It is also relevant to mention here that on 10.12.2018, none appeared on behalf of the defendants. From the bare perusal of the order dated 10.12.2018, it is clear that service of the legal heirs of the mortgagee Gurdeep Kaur was pending and on 10.12.2018 none also appeared on behalf of the defendants before the Ld. Collector, Sirsa.

7. That after recovering from the said fracture and he is still on wheel-chairs and is unable to walk of his own even for a small distance. After recovering from the said fracture, the plaintiff moved an application for restoration of the above case in the Court of Ld. Collector, Sirsa, but the same was not entertained by the Ld. Collector and returned the same to plaintiff. It is also relevant to mention here that due to old-age and illness, the plaintiff has become very weak and now his hands shakes, due to which, the plaintiff is unable to hold things in his hands. So, due to this reason, the plaintiff is unable to hold pen and to make his signatures. So, in the present suit, the plaintiff instead of putting his signature on the plaint of suit and accompanying

affidavit, is putting his thumb impressions.

8. That the above application for redemption of the land was filed by the plaintiff on 19.11.2014 and he continued pursuing the same continuously except on 10.12.2018 and that because of the reason the plaintiff suffered hip injury and he was confined to bed. Besides it, the plaintiff is an aged person of about 83 years of age and therefore, he does not have a sound physique and health. So, due to these reason, he could not appear before the Ld. lower Court on 10.12.2018.

9. That in view of the facts stated above, the plaintiff has been left with no other alternative remedy except filing the present suit.

10. That the original mortgagee Smt. Gurdeep Kaur has since died and now her legal heirs have been impleaded as parties to the present suit as detailed in the title of the present suit.

11. That the possession of the suit land was delivered to the plaintiff by mortgagee Smt. Gurdeep Kaur during her life time on receipt of the mortgage sum from the plaintiff, but however, the revenue record entries in this regard could not be got corrected at that time.

12. That, although, the plaintiff had paid the entire mortgage amount to the mortgagee Smt. Gurdeep Kaur (since deceased) during her life time, yet in order to avoid any future legal compliance in the matter, plaintiff has deposited the mortgage amount in the Govt. Treasury. The photo copy of the challan is annexed hereto.

13. That plaintiff approached the defendants and requested them on many occasions to get the land redeemed in his favour and also to admit his claim over the suit land as aforesaid and thereby get the relevant revenue record qua the suit land corrected in his favour, but the defendants did not pay any heed to the same and have refused to do so finally a week back. Hence this suit.

14. That since the order dated 10.12.2018, was passed by the Ld. Collector in the absence of both the parties to the application for redemption of the land, therefore, the same does not fall within the scope of provisions of Sections 6 to 11 of the Redemption of Mortgages (Punjab) Act, 1913, and therefore, the said order dated 10.12.2018 is not covered by Section 12 of the Act *ibid* and cannot be considered to have been passed in Section 12 of the Act *ibid*. Hence, Article 100 of

the Limitation Act is not attracted at all for filing the present suit. Therefore, from the date of passing the order dated 10.12.2018, the present suit is being filed within limitation. However, in case, the Hon'ble Court finds that there is some delay in filing the present suit, the plaintiff prays for condonation of the same, because of the reason that he being an old aged person of 83 years of age, remained bed ridden for a very long time due to hip joint fracture and even know the plaintiff is on wheel-chairs and is unable to walk of his own for a small distance, as fully detailed above.

15. That cause of action for filing the present suit arose to the plaintiff on 10.12.2018, when the impugned order was passed by the Ld. Collector; the cause of action further arose on each and every subsequent denial of the defendants; and it arose finally a week back, when defendants refused to admit the claim of plaintiff, which continues to arise.

16. That suit land is situated in village Shamshabad Patti, Tehsil and District Sirsa, therefore, the Hon'ble Court has the jurisdiction to entertain and try the present suit.

17. That value of the suit for the purposes of court-fee and jurisdiction is assessed at Rs.200/- and as such, requisite court-fee stamp of Rs.25/- is attached with the plaint.

18. It is, therefore, prayed that a decree for declaration to the effect that order dated 10.12.2018, passed by the Court of District Revenue Officer with the powers of Collector, Sirsa in case no.1-CTM/12.1.2015 i.e. application for redemption of land, titled as "Balkar Singh Vs Gurdeep Kaur (since deceased) represented by her legal heirs", vide which, the Ld. Collector dismissed the said application for redemption of land in default in respect of land measuring 15 kanal 7 marlas, comprising in Sq. No.97, Killa NO.20/1(3-15), 20/2(4-5), 21(7-7), situated with the revenue estate of village Shamshabad Patti, Tehsil and District Sirsa, is quite wrong, against law, against facts, and as such, the same is liable to be set-aside and further declaration for redemption of the land measuring 15 kanal 7 marlas, comprising in Sq. No.97, Killa NO.20/1(3-15), 20/2(4-5), 21(7-7), situated with the revenue estate of village Shamshabad Patti, Tehsil and District Sirsa in favour of the plaintiff and for

-: 11 :-

delivery of symbolic possession of the suit land to the plaintiff and the revenue entries showing the position contrary to it, are liable to be corrected in favour of plaintiff, may kindly be passed in favour of plaintiff and against the defendants, with costs.

Sirsa/dt. 2/9/21


...Submitted by:

Balkar Singh son of Shri Puran Singh son of Shri Jagat Singh, resident of village Shamshabad Patti, Sirsa, Tehsil and District Sirsa.

...Plaintiff

Through:

I.S. Sandhu, ⁹¹¹⁾ Advocate,
Sirsa.

LTi
 Balkar S

Verification:-

Verified that contents of paras no.1 to 14 and 18 of the plaint are correct within my knowledge and those of rest of paras are true as per legal information received.

LTi
 Balkar S

Sirsa/dt. 2/9/21

...Plaintiff.