



2024:UHC:7533

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No.2445 of 2024

Asgari & others

--Petitioners

Versus

Karanpal

--Respondent

Presence:-

Mr. Akshay Pradhan, learned counsel for the petitioners.

Hon'ble Pankaj Purohit, J.

1. By means of this writ petition filed under Article 227 of the Constitution of India, petitioners are challenging the order dated 21.05.2024 passed by learned Civil Judge (Sr. Div.), Laksar, District Haridwar in Original Suit No.47 of 2014 Mohd. Yasin vs. Karanpal by which Application No.136 C2 filed under Order 8 Rule 9 read with Section 151 of CPC moved by the petitioners/plaintiffs has been rejected as well as the judgment and order dated 26.07.2024 passed by learned Additional District Judge, Laksar, District Haridwar in Civil Revision No.39 of 2024 Mohd. Yasin & others vs. Karanpal whereby revision has been rejected and the order dated 21.05.2024 passed by learned trial court was affirmed.

2. Heard learned counsel for the petitioners.

3. The petitioners, who are plaintiffs in the case, have moved application/replica under Section 136C2 after filing of the written statement of the petitioners, after a considerable delay of seven years of the written statement of the respondent/defendant. The said application/replica was rejected by learned trial court on the ground that there is no satisfactory reason adduced by learned counsel for the plaintiffs for submitting this



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replica Paper No.136C2 after such a considerable long period and accordingly, said application was rejected. Learned trial court has also recorded a finding the prosecution witness, P.W.1 Imran has already been cross examined on 25.09.2023.

4. Feeling aggrieved the petitioners challenged the said order dated 21.05.2024 by filing a Civil Revision No.39 of 2024 Mohd. Yasin & others vs. Karanpal before the Additional District Judge Laksar, District Haridwar. The revision petition filed by the petitioners did not find favour with the revisional court and accordingly the revisional court has rejected the revision filed by the petitioners/ plaintiffs.

5. The revisional court in para 14 has given the reasons for not accepting the revision for the reason that the prayer made by the petitioners in revision application as well as in replica 136 C2 does not meet the terms and conditions of Order 8 Rule 9, which was quoted in para 14 of the judgment impugned of the revisional court.

6. I do not find any infirmity in the reasoning given by learned revisional court as well as by the trial court for rejecting the replica/application 136C2 and in well reasoned judgment passed by the revisional court. Accordingly, the writ petition is dismissed.

(Pankaj Purohit, J.)
14.10.2024

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