

Mitter Sain Goyal Vs. State of Pb and another. 3585

Present:- Sh. H.R.Dhanda Adv, counsel for plaintiffs.

Suit has been received by way of entrustment. Report of Reader seen. It be registered. Alongwith present suit plaintiffs have filed an application under order 39 rule 1 and 2 of CPC for grant of ad-interim injunction. On request of ld. Counsel for plaintiffs, case is adjourned to 16.07.2021 for arguments on the stay application.

Date of order

15.07.2021

(Hasandeep Singh Bajwa)

Civil Judge, Junior Division

Ludhiana/UID Code PB0387

Typed by

Pankaj Viridi Stenographer-II

Mitter Sain Goyal versus State of Pb. And others. 3585

Present:- Sh. Harish Rai Dhanda Adv, counsel for plaintiffs

Suit has been received by way of entrustment. Report of Reader seen. It be registered. Alongwith present application, plaintiffs have filed an application under order 39 rule 1 and 2 of CPC for grant of ad-interim injunction. Arguments of ld. Counsel for plaintiffs have been partly heard. Now to come up on 19.07.2021 for remaining arguments on the stay application.

Date of order

(Hasandeep Singh Bajwa)

16.07.2021

Civil Judge, Junior Division

Ludhiana/UID Code PB0387

Typed by

Pankaj Virdi Stenographer-II

Mitter Sain Goyal @ Mitter Sain Meet Versus State of Punjab and others.

**In the court of Sh. Hasandeep Singh Bajwa, PCS,
Civil Judge, Junior Division Ludhiana UID Code PB0387**

Cs/3585/2021

Date of Order:-19.07.2021

Mitter Sain Goyal @ Mitter Sain Meet and others

Versus

State of Punjab and others.

Application under order 39 rule 1 and 2 of CPC

Present:- Sh. Harish Rai Dhanda Adv, counsel for plaintiffs.

ORDER

Arguments of Id. Counsel for plaintiffs have been heard and file has been carefully perused. This suit has been filed by present plaintiffs against State of Punjab, Director Language Department and District Language Officer, Punjabi Bhawan, Ludhiana. This suit is filed for declaration that formation of State Advisory Board under the notification dated 15.11.2002 by defendants no. 1 and 2 on 02.06.2020, is not in confirmation with the said notification. Declaration has also been sought that Shiromani Sahitkar Awards etc. being given by Punjab Government through its Language Department is being given by way of favoritism, nepotism without following or creating any

foolproof procedure for arriving at a conclusive conclusion to select a particular individual for the award. Ultimately, Permanent Injunction has also been sought for restraining the defendants from issuing awards alongwith cash incentive attached to it in the name of so-called selected awardees or from conferring the awards to the selected candidates.

2. After carefully going through the case file, first question which arises is that whether plaintiffs have got locus-standi and cause of action to file this suit or not as by way of this suit, plaintiffs are challenging conferring of said award on some persons. Perusal of file shows that plaintiff no. 1 is engaged in writing literary work by way of short stories since 1968. Name of plaintiff no. 1 was considered for conferring the award, though he himself never applied for the said award but ultimately his name was rejected. Once name of plaintiff no. 1 is considered and rejected by the selection committee, he has got every right to file this suit if these awards are not being conferred by following due procedure and are allegedly given to the persons on the basis of favoritism and nepotism. Even otherwise from perusal of plaint and accompanied affidavit, it becomes clear that plaintiff no. 1 is

well known across the entire literary Punjabi Community for his works. Plaintiff no. 1 has received Sahit Academy Award, one of the highest national award for his work “Sudhar Ghar” in the year 2008. Even his works are also taught in Haryana Police Academy, Madhuban as well as in National Police Academy, Hyderabad. These facts make it crystal clear that plaintiff no. 1 has given his entire life for works relating to Punjabi Language. These Shiromani Awards are given for doing excellent work in Punjabi language and also in several other categories. In such a scenario, having worked in punjabi language for so many years, plaintiff no. 1 has got every right to challenge conferring of these awards if they are not being given to suitable persons and are given as a result of favoritism. Accordingly, it is held that plaintiffs have got locus-standi and cause of action to file this suit. Defendant no. 3 has its office at Ludhiana and also these awards are conferred on several persons throughout Punjab, so at this stage it appears that this court has jurisdiction to try this suit. Now this court will proceed to discuss this case on merits and find out that whether stay deserves to be granted in this case or not.

3. Shiromani Sahitkar Awards and other awards being

conferred by the language department are very prestigious awards and are given for excellent literary works done by the persons in several categories. In such a scenario, selection criteria for these awards is required to be very strict and fair. Any person can only be selected for giving these awards after carefully analyzing his work and skills. Some awards are concerned with works of literature, so such works are required to be checked thoroughly to find out that whether these works are of good quality or not and also to find out that whether the grammar used in the works is correct or not. Documents placed on record shows that no proper criteria is being followed in conferring of these awards for the reasons best known to the committee members. In this regard, one letter written by Professor Chaman Lal, member of State Advisory Board dated 17.03.2021 addressed to Chairman of Higher Education and Language Department is on the record. Professor Chaman Lal has clearly mentioned that how people are selected for these awards in arbitrary and unfair manner. It is mentioned that agenda of the meeting is sent a week before the meeting however supplementary agenda is sent only a day before the meeting, which includes few such names which are immediately short listed by

screening committee and most of them are being given awards. He stated in this detailed letter that lack of transparency affects the credibility of the awards itself. It is even mentioned that members of Advisory Board impose their choices on the board because of which proper justice is not done with the deserving candidates. Various other points have also been raised in this letter by the member of State Advisory Board. All these points are also raised by plaintiff in the plaint. In such a scenario, when one of the member of State Advisory Board himself is saying that awards are given in arbitrary and unfair manner, credibility is clearly given to the case set up by the plaintiffs.

4. Base of giving these awards is one Viyakhya Pattar which has been produced on record by the present plaintiffs. It is mentioned that plaintiffs sought information through RTI about the procedure for selection and they were provided this Viyakhya Pattar. The answer given to RTI queries by the language department is on the record. Perusal of these answers show that language department is itself not aware of the fact that how this Viyakhya Pattar has been prepared, who has prepared it and under whose authority it has been prepared. Perusal of Viyakhya Pattar shows that it is an undated and unsigned

document. In such a scenario, when it is not even clear that how when and by whom this Viyakhya Pattar has been prepared, how can awards be given making it a base. Shiromani Sahitkar Awards are also given in the country. Sahitkar Award rules have been brought on record by plaintiffs. Perusal of these rules show that they were enacted on 11.03.2014 and then prepared under the signatures of Secretary Sahitkar Award. In contrast, it is not even clear that who has prepared this Viyakhya Pattar and when it was prepared. This point clearly deserves consideration of this court.

5. This is not the first time that these awards are being challenged. Earlier also a writ petition was filed before Hon'ble Punjab & Haryana High Court challenging these awards in the year 2008 as seven members of the board took the award themselves. Thereafter affidavit was filed in the matter by Secretary Higher Education in which it was mentioned that in future State Advisory Board and Screening Committee will be composed of such persons who have no conflict of interest between their own interest and their duty in selection of awardees. It was mentioned that if a member either of State Advisory Board or Screening Committee is also a nominee of the

award, he will have to resign from membership of committee if his name is to be considered further. Thereafter, meeting of sub-committee was held on 08.09.2009 and it was recommended that if any member of the board wishes that his name may be considered for award, then he should resign from the board and he would not be considered for award for the current period but his name can be considered for the future awards. Further, it was also held that procedure formulated and incorporated in report dated 08.09.2009 will also be applicable to relative/blood relations of board members. It is mentioned on record in the plaint accompanied with duly sworn affidavit that one Dr. Jaswinder Singh member of Advisory Board resigned on 23.11.2020 on personal grounds and his wife Dr. Dhanwant Kaur was put into a penal of body by screening committee and she was ultimately selected for the award. One other official Dr. Tejwant Singh Maan wrote a letter dated 27.11.2020 to the department that since his name is being considered for the highest award i.e. Punjabi Sahit Rattan Puraskar, so he will not attend the meeting and instead his Secretary will attend the meeting. Ultimately, he got award and cash price of Rs. 10 lakhs by skipping the meeting of Advisory Board on 29.10.2011. It is very clear

that both of them could not have been considered for award in view of affidavit filed before High Court and also as per the rules of Sub-committee. Suprisingly neither affidavit filed before Hon'ble High Court was honoured nor rules of sub-committee were considered and these awards were conferred. In such a situation, this court has no other option but to step in and make sure that these awards are given in a proper manner by following due procedure to the deserving candidates.

6. In case titled as **“Parkash Singh Versus State of Haryana 2002(4) Civil L.J 71 (P&H),** Hon'ble High Court had held that prima-facie case does not mean that plaintiff should have cent percent case which will always properly succeed in trial. Prima-face case means that the contention which the plaintiff is raising require consideration in merit and are not liable to be rejected summarily. In instant case as already discussed contentions raised by plaintiff require through consideration, so clearly a prima-facie case is made out in favour of present plaintiffs. Even balance of convenience is also in favour of present plaintiffs because if injunction is withheld and the awards are given alongwith cash prices, then this suit will become infructuous but on the other hand if injunction is granted and giving of awards is

stayed for the time being, then not much injury is going to be caused to the defendants especially when these awards have been announced in the month of December 2020 and they have not been given till date. Further, if these awards are given and cash money is disbursed then an irreparable loss will also be caused to the present plaintiffs which cannot be compensated with any cost. Accordingly, defendants are hereby restrained from issuing these awards alongwith cash incentive attached to it in the name of selected awardees or from conferring awards to the selected candidates till next date of hearing i.e. 02.08.2021. It is made clear that if it comes to the notice of this court that plaintiffs have concealed any material fact or they have stated any false fact before the court, then this court will vacate the stay immediately. It is further made clear that if service of defendants is not effected by 02.08.2021, then this stay order shall stand vacated automatically. Compliance under order 39 rule 3 CPC be made immediately. Let notice of suit and stay application be issued to defendants through ordinary process as well as registered post for 02.08.2021, on filing of RC with AD, copies of plaint and one time

Mitter Sain Goyal @ Mitter Sain Meet Versus State of Punjab and others.

process fee.

Pronounced on:-
19.07.2021

(Hasandeep Singh Bajwa)
Civil Judge, Junior Division
Ludhiana.
UID Code PB0387

Typed by Pankaj Virdi Stenographer-II

Mitter Sain Goyal Vs. State of Punjab 3585

Present:- Sh. Harish Rai Dhanda Adv, counsel for plaintiff.

Ms. Bhupinder Kaur in person on behalf of defendants no.
1 to 3

Ms. Bhupinder Kaur appeared before the court on behalf of defendants no. 1 to 3 and copy of her adhar card has been placed on record. Now to come up on 23.08.2021 for filing of written statement and regular power of attorney on behalf of defendants no. 1 to 3. Interim order dated 19.07.2021 to continue till next date of hearing. Long date is given keeping in view of Covid-19 Pandemic, so that over crowding is avoided in the court and parties as well as court officials remain safe.

Date of order

02.08.2021

(Hasandeep Singh Bajwa)

Civil Judge, Junior Division

Ludhiana/UID Code PB0387

Typed by

Pankaj Virdi Stenographer-II

Mitter Sain Vs. State of Pb. 3585

Present: Sh.Harish Rai Dhanda Adv, counsel for plaintiff.

Ms. Bhupinder Kaur in person on behalf of defendants no. 1
to 3

Ms. Bhupinder Kaur appeared on behalf of defendants no. 1
to 3 and requested for short adjournment for filing of written statement
and regular power of attorney. Heard. In the interest of justice, request of
Ms. Bhupinder Kaur, is considered and allowed. Now to come up on
21.09.2021 for filing of written statement and regular power of attorney
on behalf of appearing defendants.

Date of order

23.08.2021

(Hasandeep Singh Bajwa)

Civil Judge, Junior Division

Ludhiana/UID Code PB0387

Typed by

Pankaj Virdi Stenographer-II

Mitter Sain Goyal and others Vs. State of Pb. and others Cs/3585/21

Present: Sh.Harish Rai Dhanda Adv, counsel for applicant/plaintiff.

File taken up today on an application filed by plaintiffs through their counsel for putting up of the case file and for modification of order dated 23.08.2021. In this application, it is mentioned that in order dated 23.08.2021, interim order has not been continued till next date of hearing. Accordingly, it has been prayed that interim order dated 19.07.2021 may be extended till next date of hearing i.e. 21.09.2021. Perusal of file shows that interim stay was granted to present plaintiffs vide order dated 19.07.2021 passed by this court, which was extended vide order dated 02.08.2021 to 23.08.2021. It appears that inadvertently in order dated 23.08.2021, it has not been mentioned that interim order dated 19.07.2021 shall continue till next date of hearing. This is merely a typographical error, so there is no necessity of issuing notice to the opposite party. Accordingly, this mistake in order dated 23.08.2021 stands rectified. It is accordingly ordered that interim stay granted vide order dated 19.07.2021 shall continue till next date of hearing i.e. 21.09.2021. Application is accordingly disposed of.

Date of order

25.08.2021

(Hasandeep Singh Bajwa)

Civil Judge, Junior Division

Ludhiana/UID Code PB0387

Typed by Pankaj Viridi Stenographer-II

Mittar Sain Vs. State of Punjab and others. 3585

Present: Sh. Harish Rai Dhanda Adv, counsel for plaintiff.
Sh. Kulwinder Singh ld. GP for defendants.

Sh. Kulwinder Singh, Ld. GP has appeared on behalf of defendants. He requested that more than one month time may be granted to him for filing of written statement. Ld. Counsel for plaintiff has not opposed his request. Heard. In the interest of justice, request of ld. GP for defendants is considered and allowed. Case is now adjourned to 11.11.2021 for filing of written statement. Interim order dated 19.07.2021 to continue till next date of hearing.

Date of order
21.09.2021

(Hasandeep Singh Bajwa)
Civil Judge, Junior Division
Ludhiana/UID Code PB0387

Typed by
Pankaj Virdi Stenographer-II

3585-2021

Mitter Sain Goyal Vs. State of Punjab

Present: Sh H R Dhanda counsel for plaintiff
Sh Rajat Bansal GP for State/defendants

File received by transfer. It be registered. Written statement and reply to stay application on behalf of defendants filed. Copy supplied. Now to come up on 02.12.2021 for filing the replication if any otherwise for consideration on stay application.

Date of Order: 11.11.2021

Jagdish

Stenographer-III

(Ambika Sharma)
Civil Judge (Junior Division)
Ludhiana.
UID-PB0495

3585-2021

Mitter Sain Goyal Vs. State of Punjab

Present: Sh H R Dhanda counsel for plaintiff
Sh Rajat Bansal GP for State/defendants

File received by transfer. It be registered. Written statement and reply to stay application on behalf of defendants filed. Copy supplied. Now to come up on 02.12.2021 for filing the replication if any otherwise for consideration on stay application.

Date of Order: 11.11.2021

Jagdish

Stenographer-III

(Ambika Sharma)
Civil Judge (Junior Division)
Ludhiana.
UID-PB0495

3585/2021

Mitter Sain Goyal Vs. State of Punjab

Present: None

File taken up today as the undersigned will be on casual leave on 02.12.2021 and 03.12.2021 and 04.12.2021 will be work from home and 05.12.2021 holiday being Sunday. Now to come up on 06.01.2022 for the purpose already fixed. Interim order shall continue till the next date of hearing.

Date of Order: 01.12.2021

Jagdish

Stenographer-II

(Ambika Sharma)
Civil Judge (Junior Division)
Ludhiana.
UID-PB0495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

**Mitter Sain Goyal @ Mitter Sain Meet Vs State of Punjab
etc.**

Present: None for party/parties.

In view the instructions issued vide letter endorsement no.60/G dated 01.05.2022 by the office of Learned District and Sessions judge Ludhiana, wherein instructions have been issued for using precautionary measures in the wake of pandemic novel corona virus(COVID 19), the case stands adjourned to 17.02.2022 for the purpose already fixed.

Dated: 06.01.2022

**(Ambika Sharma)
Civil Judge (Junior Division),
Ludhiana, (PB0495).**

Avtar Singh Steno Gr-III

Present: None for party/parties.

In view of the instructions issued vide letter endorsement no.438/G dated 31.01.2022 by the office of Learned District and Sessions judge, Ludhiana, wherein instructions have been issued for using precautionary measures in the wake of pandemic novel corona virus(COVID 19), the case stands adjourned to 28.02.2022 for the purpose already fixed. Interim order shall continue till the next date of hearing.

Dated: 17.02.2022

(Ambika Sharma)
Civil Judge (Junior Division),
Ludhiana, (PB0495).

Avtar Singh Steno Gr-III

CNR No: PBLD020045892021

CIS No: CS/3585/2021

Mitter Sain Goyal @ Mitter Sain Meet VS State Of Punjab etc.

Present: Sh. Harish Rai Dhanda Advocate for the plaintiff.
GP for the defendant.

Replication not filed. Consideration on stay application not made. Counsel for the plaintiff requested for adjournment, same is allowed. Now, to come up on 17.03.2022 for filing replication if any otherwise for consideration on stay application. Interim order shall continue.

Dated: 28.02.2022

Avtar Singh

Stenographer Gr-III

(Ambika Sharma)
Civil Judge (Junior Division),
Ludhiana, (PB0495).

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of
Punjab etc.

Present: None.

File taken up today, as the undersigned was on casual leave on 11.04.2022. As such, case stands adjourned to 28.04.2022 for the purpose already fixed. Parties be informed accordingly.

Date of Order: 12.04.2022

Avtar Singh Steno, Gr-III

(Ambika Sharma)
Civil Judge (JD), Ludhiana,
UID No. PB0495

Present: Sh. Harish Rai Dhanda Advocate for the plaintiff.
GP for the defendant.

Replication not filed. Consideration on stay application not made. Counsel for the plaintiff requested for adjournment, same is allowed. Now, to come up on 11.04.2022 for filing replication if any otherwise for consideration on stay application.

Dated: 17.03.2022

Avtar Singh

Stenographer Gr-III

(Ambika Sharma)

UID Number PB-0495,
CJJD, Ludhiana.

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of
Punjab etc.

Present: Sh. Harish Rai Dhana Advocate counsel for the plaintiff.
GP for the defendant.

Submissions not made. On request, case stands adjourned
to 18.07.2022 for consideration on application for directing the
defendants to produce the report of Higher Education. Interim order
shall continue.

Date of Order: 04.07.2022
Sonia, Steno Gr-II

(Ambika Sharma)
Civil Judge (Junior Division)
UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of
Punjab etc.

Present: Sh. Harish Rai Dhana Advocate for the plaintiff.
GP for the defendant.

Submission not made. Counsel GP for the defendant requested for adjournment. On request, case stands adjourned to 25.07.2022 for consideration on application for direction the defendant to produce the report of Higher Education. Interim order shall continue.

Date of Order: 18.07.2022
Himanshu

(Ambika Sharma)
Civil Judge (Junior Division)
UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: Sh. Jasmandeep Advocate for the plaintiff.
Sh. Abdul Rasheed Advocate for the applicants.
GP for defendant.

Reply to application u/o 1 rule 10 CPC on behalf of Mohd. Bashir, Nadeem Ahmed and Reshman Akhtar filed. Copies supplied. Now, to come up on 20.09.2022 for consideration.

Date of Order: 08.09.2022

Himanshu

(Ambika Sharma)
Civil Judge (Junior Division)
UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of
Punjab etc.

Present: Sh. Jasmandeep Advocate for the plaintiff.
GP for defendant.

Reply not filed. Now, to come up on 29.08.2022 for filing
reply to application U/o 1 Rule 10 CPC.

Date of Order: 08.08.2022

Himanshu

(Ambika Sharma)

Civil Judge (Junior Division)

UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: Sh. Jasmandeep Advocate for the plaintiff.
Sh. Abdul Rasheed Advocate for the applicants.
GP for defendant.

Consideration not made. On request, case stands adjourned to
26.09.2022 for consideration on application u/o 1 rule 10 CPC.

Date of Order: 20.09.2022

Himanshu

(Ambika Sharma)
Civil Judge (Junior Division)
UID NO . PB00495

CNR No: PBLD020026222021

CIS No: CS/1952/2021

KUNAL JAIN VS PANKAJ JAIN etc.

Present: Sh. SHIV SHARMA Advocate for the appellant.
Sh. Advocate for the respondent.

Date of Order: 29.09.2022

Himanshu

(Ambika Sharma)

Civil Judge (Junior Division)

UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: Sh. Jasmandeep Advocate for the plaintiff.
Sh. Abdul Rasheed Advocate for the applicants.
GP for defendant.

**Consideration not made. On request, case stands adjourned to
01.10.2022 for consideration on application u/o 1 rule 10 CPC.**

Date of Order: 26.09.2022

Himanshu

**(Ambika Sharma)
Civil Judge (Junior Division)
UID NO . PB00495**

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of
Punjab etc.

Present: Sh. Harish Rai Dhana Advocate counsel for the plaintiff.
GP for the defendant.

Submissions not made. On request, case stands adjourned
to 18.07.2022 for consideration on application for directing the
defendants to produce the report of Higher Education. Interim order
shall continue.

Date of Order: 04.07.2022
Sonia, Steno Gr-II

(Ambika Sharma)
Civil Judge (Junior Division)
UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of
Punjab etc.

Present: Sh. Harish Rai Dhana Advocate counsel for the plaintiff.
GP for the defendant.

Submissions not made. On request, case stands adjourned
to 18.07.2022 for consideration on application for directing the
defendants to produce the report of Higher Education. Interim order
shall continue.

Date of Order: 04.07.2022
Sonia, Steno Gr-II

(Ambika Sharma)
Civil Judge (Junior Division)
UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: Sh. Abdul Rasheed Advocate for the plaintiffs.
GP for defendant.

Reply to application u/o 1 rule 10 CPC has been filed by GP. Copy supplied. Now, to come up on 11.10.2022 for consideration on application u/o 1 rule 10 CPC.

Date of Order: 01.10.2022

Himanshu

(Ambika Sharma)
Civil Judge (Junior Division)
UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: Sh. Abdul Rasheed Advocate for the plaintiffs.
GP for defendant.

Consideration not made. On request, case stands adjourned to 19.10.2022
for consideration on application u/o 1 rule 10 CPC.

Date of Order: 15.10.2022

Himanshu

(Ambika Sharma)

Civil Judge (Junior Division)

UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: None for parties.

Today bar is abstaining from work vide resolution order dated 19.10.2022. Now, case stands adjourned to 28.10.2022 for consideration on application u/o 1 rule 10 CPC.

Date of Order:19.10.2022

Himanshu

(Ambika Sharma)

Civil Judge (Junior Division)

UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: Sh. HARISH RAI DHANDA Advocate for the plaintiffs.
GP for defendant.

Consideration not made. On request, case stands adjourned to
04.11.2022 for consideration on application u/o 1 rule 10 CPC.

Date of Order: 28.10.2022

(Ambika Sharma)
Civil Judge (Junior Division)
UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: Sh. HARISH RAI DHANDA Advocate for the plaintiffs.
GP for defendant.

Consideration not made. On request, case stands adjourned to
09.11.2022 for consideration on application u/o 1 rule 10 CPC.

Date of Order:04.11.2022

Himanshu

(Ambika Sharma)

Civil Judge (Junior Division)

UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

**Present: Sh. HARISH RAI DHANDA Advocate for the plaintiffs.
GP for defendant.**

**Consideration not made. On request, case stands adjourned to
25.11.2022 for consideration on application u/o 1 rule 10 CPC.**

Date of Order: 09.11.2022

Himanshu

(Ambika Sharma)

Civil Judge (Junior Division)

UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: None.

File taken up today as undersigned was on Earned leave on 25.11.2022 and 26.11.2022, 27.11.2022 holiday being fourth Saturday and Sunday and 28.11.2022 was gazetted holiday. Now, case stands adjourned to 12.12.2022 for the purpose already fixed.

Date of Order: 25.11.2022

Himanshu

(Ambika Sharma)

Civil Judge (Junior Division)

UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: Sh. Abdul Rasheed Advocate for the plaintiffs.
GP for defendant.

Consideration not made. Now, to come up on 15.10.2022 for
consideration on application u/o 1 rule 10 CPC.

Date of Order: 12.10.2022

Himanshu

(Ambika Sharma)

Civil Judge (Junior Division)

UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: Sh. HR Dhanda Advocate for the plaintiffs.
GP for the defendant.

Consideration not made. On request, case stands adjourned to
25.01.2023 for consideration on application u/o 1 rule 10 CPC.

Date of Order: 16.01.2023

Himanshu

(Ambika Sharma)

Civil Judge (Junior Division)

UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: Sh. HR Dhanda Advocate for the plaintiffs.
GP for the defendant.

Consideration not made. On request, case stands adjourned to
27.01.2023 for consideration on application u/o 1 rule 10 CPC.

Date of Order: 25.01.2023

Himanshu

(Ambika Sharma)

Civil Judge (Junior Division)

UID NO . PB00495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: Sh. HARISH RAI DHANDA Advocate for the plaintiffs.
GP for defendants.

Consideration not made. On request, case stands adjourned to 22.02.2023 for consideration on application u/o 6 rule 17 CPC, subject to last opportunity.

Date of Order:17.02.2023

Himanshu

(Ambika Sharma)
Civil Judge (Junior Division)
UID NO . PB00495

IN THE COURT OF MS. AMBIKA SHARMA, PCS,CIVIL JUDGE
(JR.DIVISION) LUDHIANA

Computer File No.3585/2021

Date of Order: 27.01.2023

Mitter Sain Goyal and Ors Vs. State of Punjab

Application U/o 1 Rule 10 CPC for impleading Mohammad Bashir S/o late Abdul Majeed as party in the present case in view of the facts detailed in the application.

Present: Sh Harish Rai Dhanda advocate counsel for plaintiff
GP for the defendants
Sh Abdul Rsheed advocate counsel for applicant

1. This order of mine shall dispose of an application U/o 1 Rule 10 CPC for impleading the Mohammad Bashir S/o late Abdul Majeed as party in the present case in view of the facts detailed in the application.
2. It is submitted by the counsel for applicant that plaintiffs have filed the suit for declaration and permanent injunction against State of Punjab and others and applicant is suitable for the “Shiromani Sahitkar Award” and applicant is well renowned name in the field of Sahitya languages and decision of the present case will affect the applicant. The applicant is renowned name in the field of Urdu as detailed in the bio-data mentioned in the application. That the award has been given to a personality which has contributed to Urdu literature and has applied for the award to the defendants and from there the applicant came to know about the litigation. The applicant is preferable personality for Sharomani Sahit Purskar award by defendants. As such applicant is very much necessary party and suit cannot be proceeded with in the absence of applicant. Hence, this application.
3. Reply on behalf of respondents/plaintiff filed in which they has

opposed the application on the ground that plaintiff is master of the suit and it is sole discretion of the plaintiff to seek relief and array as party to the suit as per the persons desired by him. The applicant cannot be impleaded as plaintiffs claimed nor they are necessary party to the suit. No relief is claimed against the petitioner nor there is any bio data is under challenge and more so there is no allegations against the applicant as such there is no dispute inter-se the plaintiff and the applicant as per the pleadings as such this application deserves to be dismissed . Denying other averments prayed for dismissal of the application.

4. Heard. Perusal of the file reveals that present suit has been filed by Mittersain Goyal alongwith other two plaintiffs against State of Punjab through Principal Secretary, Higher Education and Language Department Punjab alleging his grievance. Applicant in his application *inter-alia* only has mentioned that the award to be given to a personality which has contributed to Urdu literature and the applicant applied for the award to the defendants and from there the applicant came to know about the litigation and it is very necessary to implead him as a party in the present suit and present suit cannot be proceeded without him but he has not mentioned any reason to satisfy the court at this stage that his impleadment is necessary to decide the present suit.

5. Present suit is declaratory suit and plaintiff has challenged notification dated 15 Nov 2002 issued by State and process followed by screening committee and that selection process is illegal and *inter-alia* has sought restraint from issuing the award. As per **Order 1 Rule 10 (2) CPC** - **Court may strike out or add parties** – “*The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of*

any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon the settle all the questions involved in the suit be added”.

In view of the above law at this stage this court is of considered opinion that applicant is not such a party which ought to have been joined whether as plaintiff or defendant or whose presence before court is necessary in order to enable the court effectually and completely adjudicate upon the settle all the questions involved in present suit. Hence, in view of the facts and circumstances of the case this court does not deem it appropriate to implead applicant as party to the present. As such, application in hand is stands dismissed. However, nothing this order shall have any effect on the merits of the case.

Date of Order:27.01.2023

Jagdish

Stenographer-II

(Ambika Sharma)
Civil Judge (Junior Division)
Ludhiana.
UID-PB0495

Mitter Sen Goyal Vs. State of Punjab

Present: Sh Iqbal Singh advocate counsel for applicant
Sh J S Gill advocate for plaintiff
GP for the defendant/respondent

Vide separate detailed order of this court of even date applications under
order 1 rule 10 CPC for impleadiing is ordered to be dismissed.

Date of Order:27.01.2023

Jagdish

Stenographer-II

(Ambika Sharma)
Civil Judge (Junior Division)
Ludhiana.
UID-PB0495

IN THE COURT OF MS. AMBIKA SHARMA, PCS,CIVIL JUDGE
(JR.DIVISION) LUDHIANA

Computer File No.615/2021
Date of Order: 27.01.2023

Mitter Sain Goyal and Ors Vs. State of Punjab

Application under Order 1 Rule 10 Civil Procedure Code as amended upto date for impleading the applicant namely Dr. Mohd Jameel son of Mohd. Din R/o H.no.B-ZIII/142, Malerkotla as a party in the case cited in the subject.

Present: Sh Iqbal Singh advocate counsel for applicant
Sh J S Gill advocate for plaintiff
GP for the defendant/respondent

1. This order of mine shall dispose of an application under Order 1 Rule 10 Civil Procedure Code as amended upto date for impleading the applicant namely Dr. Mohd Jameel son of Mohd. Din R/o H.no.B-ZIII/142, Malerkotla as a party in the case cited in the subject.
2. It is submitted by the counsel for applicant that Dr. Mohd. Jameel is M.A (Urdu, Persian) and has done his Ph.D in Urdu. (Research topic) and at present teaching at Punjabi University. Patiala after retiring as a professor and head from the department of Persian, Urdu and Arabic on 31.12.2018, with a total teaching experience of twenty seven years at Punjabi University, Patiala. Now he is working as professor (guest faculty) same department Punjabi University, Patiala. Applicant has vast research experience of 26 years at the department of Persian, Urdu and Arabic at Punjabi University, Patiala under his guidance 1M.Phil (research Scholar)

decree was awarded and 17 Ph.D degrees were awarded under his supervision as detailed in the bio-data mentioned in the application. The board constituted under the notification dated 15.11.2002 was only empowered to recommend the names thereafter, the defendant should have formulated and followed a policy for having a selection criteria and selection procedure, which has never been formulated/notified nor being followed. Defendants giving awards to themselves or to their relatives. Defendant No.2 was also duty bound to seek recommendations from independent sources. That the language department has never sought any recommendation from any literary people, literary organization, university etc. Some of the awards are concerning the overseas persons and out of State persons and by not making proper publication for inviting nominations by way of recommendation or by way of applications, huge number of competent eligible persons might have been overlooked and deprived by not giving due publicity for seeking nomination. The applicant written letter to Chief Minister Punjab Mr. Amrinder Singh on 03.12.2020 for the review of Sharomani Sahit Award in Urdu Language but he gets a vague and evasive reply. Applicant ignored despite his unparalleled contribution to Urdu Literature. Applicant was ignored by the state. Hence, this application.

3. Reply on behalf of respondent/defendant No.1 to 3 filed in which they has opposed the application on the ground that application has been filed just to harass the respondents/defendants and applicant came to the court with ulterioius motive to quash the decision of the State Advisory Board for declaring award for the year w.e.f 2015-2020 just to help the plaintiffs. *Inter-alia* mentioned that the awards for the year 2015 to 2020 has already been declared by State Advisory Board constituted by the

Punjab Government through its Language Department Punjab, Patiala and same was constituted as per guidelines of the order issued by the Secretary Higher Education & Language Department on 15.11.2002. Denying other averments prayed for dismissal of the application.

4. Heard. Perusal of the file reveals that present suit has been filed by Mittersain Goyal alongwith other two plaintiffs against State of Punjab through Principal Secretary, Higher Education and Language Department Punjab alleging his grievance. Applicant in his application *inter-alia* only has mentioned that applicant was also considered in the agenda but he was not selected no guidelines of parameters have been followed at the time of selection and it is very necessary to implead him as a party in the present suit and present suit cannot be proceeded without him but he has not mentioned any reason to satisfy the court at this stage that his impleadment is necessary to decide the present suit.
5. Present suit is declaratory suit and plaintiff has challenged notification dated 15 Nov 2002 issued by State and process followed by screening committee and that selection process is illegal and *inter-alia* has sought restraint from issuing the award. As per **Order 1 Rule 10 (2) CPC - Court may strike out or add parties** – “*The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon the settle all the questions involved in the suit be added*”. In view of the above law at this stage this court is of considered opinion

that applicant is not such a party which ought to have been joined whether as plaintiff or defendant or whose presence before court is necessary in order to enable the court effectually and completely adjudicate upon the settle all the questions involved in present suit. Hence, in view of the facts and circumstances of the case this court does not deem it appropriate to implead applicant as party to the present. As such, application in hand is stands dismissed. However, nothing this order shall have any effect on the merits of the case.

Date of Order:27.01.2023

Jagdish

Stenographer-II

(Ambika Sharma)
Civil Judge (Junior Division)
Ludhiana.
UID-PB0495

IN THE COURT OF MS. AMBIKA SHARMA, PCS,CIVIL JUDGE
(JR.DIVISION) LUDHIANA

Computer File No.3585/2021

Date of Order: 27.01.2023

Mitter Sain Goyal Vs. State of Punjab

Application U/o 1 Rule 10 CPC for impleading the Rehman Akhtar S/o Mohd.

Suleman as party/plaintiff No.4 in the present case in view of the facts detailed in the application.

Present: Sh Harish Rai Dhanda advocate counsel for plaintiff
GP for the defendants
Sh Abdul Rsheed advocate counsel for applicant

1. This order of mine shall dispose of an application U/o 1 Rule 10 CPC for impleading the Rehman Akhtar S/o Mohd. Suleman as party/plaintiff No.4 in the present case in view of the facts detailed in the application.
2. It is submitted by the counsel for applicant that plaintiffs have filed the suit for declaration and permanent injunction against State of Punjab and others and applicant is suitable for the “Shiromani Sahitkar Award” and applicant is well renowned name in the field of Sahitya languages and decision of the present case will affect the applicant. The applicant Rehman Akhatar is renowned name in the field of Urdu as detailed in the bio-data mentioned in the application. That the award has been given to a personality which has contributed to Urdu literature and has applied for the award to the defendants and from there the applicant came to know about the litigation. The board constituted under the notification dated 15.11.2002 was only empowered to recommend the names thereafter, the defendant should have formulated and followed a policy for having a selection criteria and selection procedure, which has never been

formulated/notified nor being followed. Defendants giving awards to themselves or to their relatives. Defendant No.2 was also duty bound to seek recommendations from independent sources. That the language department has never sought any recommendation from any literary people, literary organization, university etc. Some of the awards are concerning the overseas persons and out of State persons and by not making proper publication for inviting nominations by way of recommendation or by way of applications, huge number of competent eligible persons might have been overlooked and deprived by not giving due publicity for seeking nomination. The applicant written letter to Chief Minister Punjab Mr. Amrinder Singh on 03.12.2020 for the review of Sharomani Sahit Award in Urdu Language but he gets a vague and evasive reply. Applicant ignored despite his unparallel contribution to Urdu Literature. Applicant was ignored by the state. Hence, this application.

3. Reply on behalf of respondent/defendant No.1 to 3 filed in which they has opposed the application on the ground that application has been filed just to harass the respondents/defendants and applicant came to the court with ulterioius motive to quash the decision of the State Advisory Board for declaring award for the year w.e.f 2015-2020 just to help the plaintiffs. *Inter-alia* mentioned that the awards for the year 2015 to 2020 has already been declared by State Advisory Board constituted by the Punjab Government through its Language Department Punjab, Patiala and same was constituted as per guidelines of the order issued by the Secretary Higher Education & Language Department on 15.11.2002. Denying other averments prayed for dismissal of the application.

4. Heard. Perusal of the file reveals that present suit has been filed by Mittersain Goyal alongwith other two plaintiffs against State of Punjab

through Principal Secretary, Higher Education and Language Department Punjab alleging his grievance. Applicant in his application *inter-alia* only has mentioned that the award to be given to a personality which has contributed to Urdu literature and the applicant applied for the award to the defendants and from there the applicant came to know about the litigation and it is very necessary to implead him as a party in the present suit and present suit cannot be proceeded without him but he has not mentioned any reason to satisfy the court at this stage that his impleadment is necessary to decide the present suit.

5. Present suit is declaratory suit and plaintiff has challenged notification dated 15 Nov 2002 issued by State and process followed by screening committee and that selection process is illegal and *inter-alia* has sought restraint from issuing the award. As per **Order 1 Rule 10 (2) CPC** - **Court may strike out or add parties** – “*The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon the settle all the questions involved in the suit be added*”. In view of the above law at this stage this court is of considered opinion that applicant is not such a party which ought to have been joined whether as plaintiff or defendant or whose presence before court is necessary in order to enable the court effectually and completely adjudicate upon the settle all the questions involved in present suit. Hence, in view of the facts and circumstances of the case this court does not deem it appropriate to

implead applicant as party to the present. As such, application in hand is stands dismissed. However, nothing this order shall have any effect on the merits of the case.

Date of Order:27.01.2023

Jagdish

Stenographer-II

(Ambika Sharma)
Civil Judge (Junior Division)
Ludhiana.
UID-PB0495

IN THE COURT OF MS. AMBIKA SHARMA, PCS,CIVIL JUDGE
(JR.DIVISION) LUDHIANA

Computer File No.3585/2021

Date of Order: 27.01.2023

Mitter Sain Goyal Vs. State of Punjab

Application U/o 1 Rule 10 CPC for impleading Dr. Nadeem Ahmed S/o Ateeque Ahmed as party in the present case in view of the facts detailed in the application.

Present: Sh Harish Rai Dhanda advocate counsel for plaintiff
GP for the defendants
Sh Abdul Rsheed advocate counsel for applicant

1. This order of mine shall dispose of an application U/o 1 Rule 10 CPC for impleading Dr. Nadeem Ahmed S/o Ateeque Ahmed as party in the present case in view of the facts detailed in the application.
2. It is submitted by the counsel for applicant that plaintiffs have filed the suit for declaration and permanent injunction against State of Punjab and others and applicant is suitable for the “Shiromani Sahitkar Award” and applicant is well renowned name in the field of Sahitya languages and decision of the present case will affect the applicant. The applicant Dr. Nadeem Ahmed S/o Ateeque Ahlmad is renowned name in the field of Urdu as detailed in the bio-data mentioned in the application. That the award has been given to a personality which has contributed to Urdu literature. Applicant ignored despite his unparallel contribution to Urdu Literature. The applicant is a very much necessary and proper party for the purpose of proper adjudication of the present lis and present suit cannot be proceeded with in the absence of the applicant. Hence, this application.
3. Reply on behalf of respondents/plaintiff filed in which they has opposed the application on the ground that plaintiff is master of the suit

and it is sole discretion of the plaintiff to seek relief and array as party to the suit as per the persons desired by him. The applicant cannot be impleaded as plaintiffs claimed nor they are necessary party to the suit. No relief is claimed against the petitioner nor there is any bio data is under challenge and more so there is no allegations against the applicant as such there is no dispute inter-se the plaintiff and the applicant as per the pleadings as such this application deserves to be dismissed . Denying other averments prayed for dismissal of the application.

4. Heard. Perusal of the file reveals that present suit has been filed by Mittersain Goyal alongwith other two plaintiffs against State of Punjab through Principal Secretary, Higher Education and Language Department Punjab alleging his grievance. Applicant in his application *inter-alia* only has mentioned that the award to be given to a personality which has contributed to Urdu literature and the applicant applied for the award to the defendants and from there the applicant came to know about the litigation and it is very necessary to implead him as a party in the present suit and present suit cannot be proceeded without him but he has not mentioned any reason to satisfy the court at this stage that his impleadment is necessary to decide the present suit.

5. Present suit is declaratory suit and plaintiff has challenged notification dated 15 Nov 2002 issued by State and process followed by screening committee and that selection process is illegal and *inter-alia* has sought restraint from issuing the award. As per **Order 1 Rule 10 (2) CPC** - **Court may strike out or add parties** – “*The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck*

out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon the settle all the questions involved in the suit be added”.

In view of the above law at this stage this court is of considered opinion that applicant is not such a party which ought to have been joined whether as plaintiff or defendant or whose presence before court is necessary in order to enable the court effectually and completely adjudicate upon the settle all the questions involved in present suit. Hence, in view of the facts and circumstances of the case this court does not deem it appropriate to implead applicant as party to the present. As such, application in hand is stands dismissed. However, nothing this order shall have any effect on the merits of the case.

Date of Order:27.01.2023

Jagdish

Stenographer-II

(Ambika Sharma)
Civil Judge (Junior Division)
Ludhiana.
UID-PB0495

Mitter Sen Goyal Vs. State of Punjab

Present: Sh Iqbal Singh advocate counsel for applicants
Sh J S Gill advocate for plaintiff
GP for the defendant/respondent

Vide separate detailed order of this court of even date application under order 1 rule 10 CPC for impleading Mohammad Bashir, Dr Nadeem Ahmad and Mohd. Zameel as party to the present suit is ordered to be dismissed. Now to come up on 01.02.2023 for consideration on stay application.

Date of Order: 27.01.2023

Jagdish

Stenographer-II

(Ambika Sharma)
Civil Judge (Junior Division)
Ludhiana.
UID-PB0495

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of Punjab etc.

Present: Sh. HR Dhanda Advocate for the plaintiffs.
GP for the defendants.

As per report of ahlmad, no order received on transfer application by District and Session Judge. Now, case stands adjourned to 13.03.2023 for awaiting order on transfer application.

Date of Order:22.02.2023

Himanshu

(Ambika Sharma)
Civil Judge (Junior Division)
UID NO . PB00495

Mitter Sen Goyal Vs State of Punjab

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Sh. Balwinder Singh GP for defendant.

Case has been received by way of transfer. It be checked and registered. Arguments not addressed. On request, the case stands adjourned to 21.03.2023 for consideration on the application U/o 6 Rule 17 CPC.

Date of order:13.03.2023

(Sumit Makkar)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0258)

K. Lal
Steno Gr-II

Mitter Sain Goel Vs. State of Punjab

CS-3585-2021

Present: Sh. H. R. Dhanda Advocate for plaintiff.
Sh. Balwinder Singh Government Pleader for defendants

Arguments heard on application dated 01.02.2023 moved by applicant/plaintiff under Order 6 Rule 17 CPC, thereby seeking permission to amend the plaint.

2. It has been argued by learned counsel for applicant/plaintiff that during the pendency of present suit, certain facts have come to the knowledge of applicant/plaintiff, which are very much essential for deciding the controversy between the parties. The case is at initial stage and issues in the present matter are yet to be framed. The proposed amendment will not change the nature of the suit. As such, the applicant/plaintiff intends to amend the plaint by adding para no.11-A after para no.11 of the plaint, as detailed in the application in hand itself. Hence need arose to move application in hand.

Per contra, it has been argued by learned Government Pleader for respondents/defendants that application for seeking amendment of pleadings under Order 6 Rule 17 CPC is not maintainable after commencement of trial and has been filed just to harass the respondents/defendants and to prolong the case. The amendments sought for by the applicant/plaintiff cannot be allowed as it will change the nature of the present suit. Hence prayed that the application may be dismissed.

After hearing rival contentions of both the learned counsels for the parties, I have minutely analysed the record with their able

assistance.

Perusal of the file reveals that applications moved by plaintiff U/O 1 rule 10 CPC were disposed of vide orders dated 27.01.2023 passed by my learned Predecessor and the case was fixed for consideration on application U/O 39 Rules 1, 2 CPC. Issues in the present case are yet to be framed. Therefore, it is evidently clear from the proceedings recorded in the file that trial of the case has virtually not commenced in the present case. Moreover, by moving the application in hand, the applicant/plaintiff is not going to change the nature of suit. Thus no prejudice is going to be caused to applicants/defendants. Accordingly, application in hand stands allowed. Plaintiff is allowed to amend the plaint in consonance of application in hand. For filing amended plaint, the case stands adjourned to 12.04.2023.

Pronounced in open Court
Dated: 21.03.2023.

(Sumit Makkar)
Addl. Civil Judge (Sr. Divn),
Ludhiana. UID No.PB0258

Gurpreet Singh Stg-I

Mitter Sen Goyal Vs State of Punjab

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Sh. Balwinder Singh GP for defendant.

Amended plaint has been filed by plaintiff. Now to come up on
12.05.2023 for filing amended written statement.

Date of order:12.04.2023

Sarita Jhaba
Steno Gr-III

(Sumit Makkar)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0258)

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Sh. Prince Dhanjal GP for defendant.

Amended written statement has been filed. Copy supplied. Now to come up on 24.05.2023 for consideration on stay application. Interim order to continue till the next date of hearing.

Date of order:12.05.2023

K. Lal
Steno Gr-II

(Radhika Puri)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0306)

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Sh. Balwinder Singh GP for defendant.

Arguments not addressed. On request, the case stands adjourned to 14.07.2023 for consideration on stay application.

Interim order to continue till the next date of hearing.

Date of order:24.05.2023

K. Lal
Steno Gr-II

(Radhika Puri)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0306)

Mitter Sen Goyal Vs State of Punjab

CS/3585/2021

Present: Sh. Chandan Rai Dhanda Advocate proxy counsel for Sh. H.R.
Dhanda Advocate for the plaintiff.
Sh. Balwinder Singh GP for defendant.

Ld. GP for the defendant has argued on the stay application. However, proxy counsel has appeared on behalf of plaintiff and moved an application for adjournment on the ground that Ld. counsel for the plaintiff is out of country from 14.07.2023 to 29.07.2023. In the interest of justice, the case stands adjourned to 07.08.2023 for consideration on stay application by Ld. counsel for the plaintiff.

Interim order to continue till the next date of hearing.

Date of order:14.07.2023

K. Lal
Steno Gr-II

(Radhika Puri)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0306)

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Sh. Balwinder Singh GP for defendant.

Ld. counsel for the plaintiff has appeared and requested for an adjournment on the ground that today, he has some urgent case pending in another court and he has to compliance in the said case till 3:00PM. On his request, the case stands adjourned to 09.08.2023 for advancing arguments on stay application by Ld. counsel for the plaintiff as last opportunity.

Interim order to continue till the next date of hearing.

Date of order:07.08.2023

K. Lal
Steno Gr-II

(Radhika Puri)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0306)

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Sh. Puneet Jaggi, Ms. Neena Sidhu, Sh. B.D. Gupta, Ms. Ramandeep Kaur GP for defendant.

Argumens not addressed. On request, the case stands adjourned to 10.08.2023 for advancing arguments on stay application by Ld. counsel for the plaintiff.

Interim order to continue till the next date of hearing.

Date of order:09.08.2023

K. Lal
Steno Gr-II

(Radhika Puri)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0306)

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Sh. Puneet Jaggi, Ms. Neena Sidhu and Sh. B.D. Gupta GP for
defendant.

Arguments not addressed. On request, the case stands adjourned
to 11.08.2023 for advancing arguments on stay application by Ld. counsel for
the plaintiff.

Interim order to continue till the next date of hearing.

Date of order:10.08.2023

K. Lal
Steno Gr-II

(Radhika Puri)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0306)

Mitter Sen Goyal Vs State of Punjab

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Sh. Puneet Jaggi and Sh. B.D. Gupta GP for defendant.

Arguments not addressed. On request, the case stands adjourned to 17.08.2023 for advancing arguments on stay application.

Interim order to continue till the next date of hearing.

Date of order: 11.08.2023

K. Lal
Steno Gr-II

(Radhika Puri)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0306)

**In the Court of Radhika Puri, Addl.Civil Judge (Senior Division),
Ludhiana UID-PB0306.**

Mitter Sain Goyal & others Vs. State of Punjab & others

**Application under order 39 Rules 1 and 2 read with
Section 151 CPC.**

Present: Sh.Harish Rai Dhanda, Advocate counsel for plaintiffs/
applicants.

Ms.Ramandeep Kaur, G.P. for defendants/respondents.

O R D E R:

This order of mine will dispose of an application filed by the applicants/plaintiffs under order 39 Rules 1 and 2 read with section 151 CPC.

2. Brief facts of the application are that the plaintiffs No.2 and 3 are the administrator i.e. sanchalaks of Punjabi Bhasha Parsar Bhaichara, a non government organization, having its units in the whole world including India. This organization and the plaintiffs are working for promotion of Punjabi language, literature and culture and Punjabi ethos. The plaintiff No.1 is engaged in writing literary work by way of short stories since 1968 and his various novels and short story books were published and he is highly respected amongst all the literary people. The defendant No.1 through its Higher Education and Language Department issued notification dated 15.11.2002, vide which State Advisory Board has been instituted to provide its suggestion to Language Department in different spheres of working with specific aims and objectives. One of the objective is to recommend the name of capable persons for Punjabi

Sahiyat Shiromani Award and 12 other Shiromani Awards, to be given by the Language Department. The constitution of the advisory board under the notification was to have Minister of Languages as Principal, Principal Secretary, Higher Education and Languages as Vice-President, Principal Secretary/Secretary, Cultural Affairs as member, Principal Secretary of Finance Department as member, Vice-Chancellor from Punjab States' Universities having the background of culture and language or their representative not less than the rank of Dean and other official members as its members. All these members were official members, while the other 12 non-official members were to be nominated by the Chief Minister on recommendation of the Language Department. The non-official members were to have three years term and initially, by way of lottery, 1/3rd members were to retire after one year, another 1/3rd after two years and remaining 1/3rd were to have a full term. However, proper procedure of creating a cycle of retiring 1/3rd member every year has never been followed. The members so-nominated by the defendants on different advisory boards, have no criteria to follow for granting awards. The advisory Board constituted in the year 2008 was asked to select the eligible candidates for awards for the years 2007 and 2008. Seven Board members selected themselves for the awards and one member selected her spouse. This selection was challenged in the Hon'ble High Court through PIL and the Hon'ble High Court issued notice to the respondents and no interim relief was granted. However, all of them received the Awards barring one person. Thereafter, amended petition was filed in the Hon'ble

High Court, wherein Punjab Government submitted an affidavit that in future, State Advisory Board and Screening Committee will be composed of such persons who have no conflict of interest between their own interest and their duty in selection of awardees, but no proper procedure has been followed and is being followed despite having given assurance in the Hon'ble High Court. It is the duty of defendant No.2 to prepare the list of prospective awardees and to inform the prospective awardees. The defendant No.2 is duty bound to use the social media platform also to inform the interested parties. The defendant No.2 is duty bound to seek recommendations from independent sources, but the Language Department has never sought any recommendation from any literary people, literary organization, universities, publishers, literary associations, prominent personalities, previous awardees or even by giving public notice seeking applications/recommendations. The meeting of screening committee was held on 1.12.2020 in the office of defendant No.2 at Patiala. The defendant No.2 submitted the names of about 564 prospective awardees before the committee for short listing and the Screening committee, sat only for single day and shortlisted 300 names for 108 awards for a total of 18 categories for a period of six years and the Screening Committee ignored about 264 names, which included prominent personalities including the plaintiffs. The plaintiffs being citizen of India, will also suffer an irreparable loss and injury if State suffers loss. The Court has jurisdiction to entertain and try the present suit, as the defendant No.3 is having office at Ludhiana, plaintiffs had

issued notice from Ludhiana, reply was also sent at Ludhiana, the plaintiffs reside at Ludhiana and the Award was to be given to the claimants residing throughout Punjab. Hence, the present application.

3. Upon notice, the defendants put in appearance through counsel and contested the present suit as well as present application by filing the written statement and reply to the application on the grounds that the present application is not maintainable. It was contended that the State Advisory Board was constituted in the year 2004, 2008, 2011, 2015 and 2020 as per guidelines of the order dated 15.11.2002 issued by Secretary, Higher Education and Language Department. Moreover, this order dated 15.11.2002 is superseded by notification dated 02.06.2020. It was contended that a lot of time was spent in deciding one Award due to controversy to the particular name/cadre. To sum up this difficulty, the Government of Punjab decided to form a Screening Committee to shortlist the names of candidates of different categories from agenda, vide different notifications. Criteria of the nomination of members of State Advisory Board is strictly on the basis of notification dated 15.11.2002, in which ex-officio and other members were appointed according to their capability in the fields of language, literature and culture in different fields. The procedure adopted by the Screening Committee and State Advisory Board is strictly according to the affidavit submitted by the then Secretary High Education and Language on 09.07.2009. Proper procedure for the selection of awardees is being followed. It was further contended that it is a convention from the last 70 years that the defendant No.2 never

advertised for award nor demanded the name of the candidate. Selection of the names of awardees were shortlisted by the Screening Committee and awards were decided by State Advisory Board unanimously from the agenda and recommendation of the Screening Committee. All the members after consideration, evaluation and recommendations proposed the names for awards, which were decided by the State Advisory Board unanimously. It was further contended that this Court has no jurisdiction to entertain and try the present suit and dismissal of the present application was thus prayed for.

4. I have heard the learned counsel for the parties and perused the entire record on file as well as written arguments submitted by the learned counsel for plaintiffs.

5. By way of moving the present application under Order 39 Rules 1 and 2 CPC, the plaintiffs have sought temporary injunction restraining the defendants from issuing awards alongwith cash incentives attached to it in the name of so-called selected awardees and from conferring the awards to the selected candidates, on the ground that defendant No.1 through its Higher Education and Language Department issued notification dated 15.11.2002, vide which the State Advisory Board has been established to provide its suggestion to Language Department in different spheres of working with specific aims and objectives and one of the objective is to recommend the name of capable persons for Punjabi Sahiyat Shiromani Awards and 12 other Shiromani Awards, but awards have been given by the Punjab Government through its Language

Department, without following any procedure.

6. However, aforesaid assertions made by the plaintiffs in their pleadings have been objected to by the defendants on the ground that the present suit is bad for non-joinder of necessary parties because the plaintiffs have not impleaded the awardees, whose names have been selected by the defendant No.2 for conferring awards to them. It is pertinent to mention here that the defendants No.1 and 2 have selected the names of persons, to whom awards are to be conferred, but by way of filing the present suit, the plaintiffs want to restrain the defendants from conferring any Award to the persons, whose names have been selected, for receiving awards. Hence the aforesaid awardees are necessary parties and their presence is also necessary for the proper adjudication of the present case.

7. Learned counsel for plaintiffs has raised contention that earlier an application under Order 1 Rule 10 CPC was moved, which was dismissed by the Court, therefore, it cannot be said that the awardees, who were selected for conferring awards to them, are necessary parties. Perusal of the record reveals that applications under Order 1 Rule 10 CPC were moved by Rehman Akhtar and Mohd. Basher on the ground that they are well renowned name in the field of Sahitya, languages and decision of present case will affect them and they are suitable and entitled to the award and they be impleaded as plaintiffs in the present suit. Further, another application under Order 1 Rule 10 CPC was moved by Dr. Nadeem Ahmed for impleading him as party in the present case on the

ground that he is eligible for award. Further the record shows that the aforesaid applications under Order 1 Rule 10 CPC were moved by those persons, whose names were not considered for conferring any award to them and as per record, their applications were dismissed by the learned Court. It is worth mentioning here that application under Order 1 Rule 10 CPC was not moved by any one of the awardees, whose name has been selected for conferring award. So, before seeking the relief of permanent injunction restraining the defendants from conferring any award upon so called awardees, it was incumbent upon the plaintiffs to implead the aforesaid awardees as parties in the present case. Hence, it prima facie comes out that the present suit is bad for non-joinder of necessary parties.

8. Apart from that, the plaintiffs have failed to show the jurisdiction of this Court to entertain the present suit as well as present application. By way of present suit, the plaintiffs have sought declaration that formation of State Advisory Board is not in conformation as per notification dated 15.11.2002 and further appointment of the Screening Committee is against rules. It is pertinent to mention here that the State Advisory Board is formed by the Punjab State Government. Therefore, this Court has no jurisdiction to decide as to whether the Punjab Govt. has rightly formed the State Advisory Board or not. Furthermore, the Screening Committee, which shortlisted the names of candidates of different categories for deciding awards, held meeting at Patiala. It prima facie shows that this Court at Ludhiana has no jurisdiction to try the present suit. So far as the contention raised by learned counsel for

plaintiffs that the defendant No.3 is having office at Ludhiana and his role has been admitted by defendants in para No.33 of the written statement, is concerned, it is pertinent to mention here that para No.33 of the written statement reveals that defendant No.3 was constantly in touch with the local literary societies, organizations and people concerned with Art and Literature, but it does not mean that defendant No.3 was also involved in selection of names of candidates for conferring awards. There is also nothing available on record that the defendant No.3 has also participated in any meeting, wherein the names of candidates were shortlisted and thereafter, names of candidates were finally decided for conferring awards to them. So, on the basis of having office by defendant No.3 at Ludhiana, it does not confer any jurisdiction upon this Court to entertain the present suit.

9. Further, another plea was taken by learned counsel for the plaintiffs that the plaintiffs had issued notice at Ludhiana, reply was sent at Ludhiana, plaintiffs reside at Ludhiana and awards were to be given to the claimants residing throughout Punjab. As per Section 20 of CPC, suit is to be instituted at a place, where defendant resides or carries on business or where cause of action arises. It is worth mentioning here that as the plaintiffs are residents of Ludhiana, it does not confer any jurisdiction to this Court to entertain the present suit and further no cause of action has arisen at Ludhiana. So, after going through the entire pleadings filed by both the parties, it prima facie comes out that this Court has no territorial jurisdiction to entertain the present suit and application.

10. Furthermore, the plaintiffs have failed to show their locus standi to file the present suit. As per case of plaintiffs, their names were considered for conferring award, but the same was rejected and hence, they have locus standi to file the present suit. They further stated that the plaintiffs being citizen of India, will also suffer irreparable loss and injury, if the State suffers loss. It is pertinent to mention here that no direct interest of plaintiffs is involved in the present subject matter. Further, if State suffers loss, it would not provide any authority to the plaintiffs to file the present suit in their individual capacity.

11. Hence, the plaintiffs have failed to show that any prima facie case is made out in their favour. Further, no irreparable loss and injury is going to be caused to the plaintiffs, which cannot be compensated in terms of money, in case present application is declined. Further, no balance of convenience lies in favour of plaintiffs.

12. In view of aforesaid discussion, all the necessary increments for the grant of temporary injunctions are not made out in favour of plaintiffs. Accordingly, the present application stands dismissed. However, this order of mine shall not have any bearing on the merits of the case.

Pronounced in open court
Dated: 17.08.2023

Rajiv Kumar, Stenographer-I

Radhika Puri,
Addl. Civil Judge (Senior Division)
Ludhiana. UID No.PB0306

CS-4589-2021 Mitter Sain Goyal etc. Versus State of Punjab etc.

Present: Sh.Harish Rai Dhanda, Advocate counsel for plaintiffs/
applicants.
Ms.Ramandeep Kaur, G.P. for defendants/respondents.

Arguments heard on the stay application. Vide my separate
order of even date, stay application stands dismissed, as detailed therein.

From pleadings of the parties, following issues are framed:-

1. Whether the plaintiffs are entitled to declaration, as prayed
for? OPP
2. Whether the plaintiffs are entitled to permanent injunction as
prayed for?OPP
3. Whether the plaintiffs have no locus standi to file the present
suit?OPD
4. Whether the plaintiffs have no cause of action to file the
present suit?OPD.
5. Whether the suit is bad for non-joinder of necessary party?
OPD
6. Whether this Court has no jurisdiction to entertain and try the
present suit? OPD
7. Relief.

No other issue arises nor pressed for. Now to come upon
17.10.2023 for evidence of the plaintiffs on the above issues on filing of
PF/RC and list of witnesses within a week.

Pronounced in open court
Dated: 17.08.2023

Radhika Puri,
Addl. Civil Judge (Senior Division)
Ludhiana. UID No.PB0306

Rajiv Kumar, Stenographer-I

CS-4589-2021 Mitter Sain Goyal etc. vs. State of Punjab etc.

Present: Shri Harish Rai Dhanda, Advocate, counsel for the
plaintiffs/applicants.
Ms.Manjinder Kaur, Government Pleader for
defendants/respondents.

Reply to an application has been filed. Let report from the
judgment writer be called as to whether the order dated 17.08.2023, vide
which, the application under Order 39 Rules 1 & 2 C.P.C. stood
dismissed, has been uploaded on the C.I.S. or not. Further report from the
concerned Ahlmad be called as to whether the plaintiffs had applied for
the certified copy of the above said order dated 17.08.2023 or not.

Pronounced in open court
Dated: 18.08.2023

Radhika Puri,
Addl. Civil Judge (Senior Division)
Ludhiana. UID No.PB0306

Tejinder Nath, Stenographer-I

CS-4589-2021 Mitter Sain Goyal etc. vs. State of Punjab etc.

Present: Shri Harish Rai Dhanda, Advocate, counsel for the
plaintiffs/applicants.
Ms.Manjinder Kaur, Government Pleader for
defendants/respondents.

Reply to an application has been filed. Let report from the
judgment writer be called as to whether the order dated 17.08.2023, vide
which, the application under Order 39 Rules 1 & 2 C.P.C. stood
dismissed, has been uploaded on the C.I.S. or not. Further report from the
concerned Ahlmad be called as to whether the plaintiffs had applied for
the certified copy of the above said order dated 17.08.2023 or not.

Pronounced in open court
Dated: 18.08.2023

Radhika Puri,
Addl. Civil Judge (Senior Division)
Ludhiana. UID No.PB0306

Tejinder Nath, Stenographer-I

Mitter Sain Goyal etc. vs. State of Punjab etc.

Present: Shri Harish Rai Dhanda, Advocate, counsel for the plaintiffs/applicants.

Ms.Manjinder Kaur, Government Pleader for defendants/respondents.

Heard on an application under Order 39 read with Section 151 C.P.C., filed by applicant/plaintiff through counsel on the ground that the Court has pronounced the order for dismissal of the application and the said order is appealable. The defendants taking advantage of dismissal of the application are likely to frustrate the case by disbursing the awards impugned under this case and it will cause multiplicity of litigation. It is, therefore, prayed that the respondents be directed to maintain status-quo till the filing of the appeal.

2. Upon notice, the defendants filed reply and contested the present application on the ground that the same is not maintainable. Learned Court has already vacated the stay given in the present case against the defendants and thus, there is no occasion to interfere in the stay vacation order. Further, there is no law, which provides the Court to stay its own order. In fact, only the Appellate Court can grant the relief asked for.

3. I have heard the learned counsel for the parties and have gone through the record minutely.

4. Perusal of the record reveals that the application under Order 39 Rules 1 & 2 C.P.C. moved by the plaintiffs in the present case has already been dismissed vide order dated 17.08.2023. By way of moving the present application, the plaintiffs have sought that directions be given to the respondents to maintain status-quo till the filing of the appeal.

Learned counsel for the plaintiffs has relied upon Order 39 Rule 2 .P.C. for giving direction to maintain status-quo regarding the impugned order of the awards. A bare perusal of Order 39 Rule 2 C.P.C provides as under:-

“2 . Injunction to restrain repetition or continuance of breach — (1) In any suit for restraining the defendant from committing a breach of contract or other injury of any kind, whether compensation is claimed in the suit or not, the plaintiff may, at any time after the commencement of the suit, and either before or after judgment, apply to the Court for a temporary injunction to restrain the defendant from committing the breach of contract or injury complained, of, or any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right”.

It is worth mentioning here that it is nowhere mentioned in Order 39 Rule 2 C.P.C. that after dismissing the application for grant of temporary injunction, the trial Court can stay its own order and ask the parties to maintain status-quo qua the subject matter involved in the suit.

5. Moreover, as per the Stenographer Grade-I, he has already uploaded the order dated 17.08.2023 on C.I.S. and further the concerned Ahlmad has already reported that no application of Copying Agency has been received yet in the above said case. Further the plaintiffs have failed to place on record any receipt showing that they had applied for obtaining certified copy of order dated 17.08.2023 till date. Hence, in these circumstances and in the absence of any provision, which allow the trial Court to stay its own order, the present application stands dismissed.

Pronounced in open court
Dated: 18.08.2023

Radhika Puri,
Addl. Civil Judge (Senior Division)
Ludhiana. UID No.PB0306

Tejinder Nath, Stenographer-I

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Ms. Manjinder Kaur GP for defendant.

No PW is present. Ld. counsel for the plaintiff requested for adjournment. On request, the case stands adjourned to 22.11.2023 for evidence of the plaintiff.

Date of order:17.10.2023

K. Lal
Steno Gr-II

(Radhika Puri)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0306)

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Ms. Manjinder Kaur GP for defendant.

No PW is present. Ld. counsel for the plaintiff requested for adjournment. On request, the case stands adjourned to 19.01.2024 for evidence of the plaintiff.

Date of order:22.11.2023

K. Lal
Steno Gr-II

(Radhika Puri)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0306)

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Ms. Shashi Bala GP for defendant.

No PW is present. Ld. counsel for the plaintiff requested for adjournment. On request, the case stands adjourned to 19.02.2024 for evidence of the plaintiff.

Date of order:19.01.2024

K. Lal
Steno Gr-II

(Radhika Puri)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0306)

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Ms. Ramandeep Kaur GP for defendant.

PW-1 Puneet Bhatia is present for cross-examination. However, Ld. GP for the defendant requested for adjournment. In the interest of justice, the cross-examination of witness is deferred. He is bound down for the next date.

PW Harpreet Kaur is present, but could not be examined as she as not brought the summoned record. She is bound down for the next date and directed to bring the summoned record.

No other PW is present. On request, the case stands adjourned to 18.03.2024 for evidence of the plaintiff.

Date of order:19.02.2024

K. Lal
Steno Gr-II

(Radhika Puri)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0306)

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Sh. Rakesh Kumar GP for defendant.

PW-1 Puneet Bhatia is present and cross-examined.

PW-2 Harpreet Kaur is present and her part examination in chief recorded. Her further examination in chief is deferred for want of documents. She is bound down for the next date.

The evidence has been recorded through Sh. Kamal Kumar Sood, Advocate, Local Commissioner. Fees of Local Commissioner paid.

No other PW is present. On request, the case stands adjourned to 26.04.2024 for evidence of the plaintiff.

Date of order:18.03.2024

K. Lal
Steno Gr-II

(Radhika Puri)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0306)

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Ms. Manjinder Kaur GP for defendant.

No PW is present. Ld. counsel for the plaintiff requested for adjournment. On request, the case stands adjourned to 13.08.2024 for evidence of the plaintiff.

Date of order:26.04.2024

K. Lal
Steno Gr-II

(Harvinder Singh)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0283)

Mitter Sen Goyal Vs State of Punjab

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Ms. Manjinder Kaur GP for defendant.

At this stage, PW-2 Harpreet Kaur is present and her examination in chief recorded. Her cross-examination is deferred on request of Ld. GP for defendant. She is bound down for the next date. The evidence has been recorded through Ms. Ravinder Kaur, Advocate, Local Commissioner. Fees of Local Commissioner paid.

No other PW is present. On request, the case stands adjourned to 13.08.2024 for evidence of the plaintiff.

Date of order:26.04.2024

K. Lal
Steno Gr-II

(Harvinder Singh)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0283)

CS/3585/2021

Present: Sh. H.R. Dhanda Advocate for the plaintiff.

Ms. Manjinder Kaur GP for defendant.

PW-2 Harpreet Kaur is present for her cross-examination. However, Ld. GP for defendant requested for adjournment. In the interest of justice, the cross-examination of witness is deferred. She is bound down for the next date.

No other PW is present. Summons issued to PW Dr. Chaman Lal has been received back duly served, but he has not turned up. As such, PW Dr. Chaman Lal be summoned throughailable warrants in the sum of Rs. 5000/- with one surety in like amount.

On request, the case stands adjourned to 16.09.2024 for evidence of the plaintiff.

Date of order:13.08.2024

K. Lal
Steno Gr-II

(Radhika Puri)
Addl. Civil Judge(Sr. Divn.)
Ludhiana(UID-PB0306)

Mitter Saini VS State of Punjab

CS/3585/2021

Present: None.

File put up before me being Duty Judge as Ld. Presiding officer is on leave w.e.f. 16.09.2024 to 02.10.2024. Now to come up on 09.10.2024 for the purpose already fixed. Reader is directed to inform the parties through their counsel accordingly.

Date of order:18.09.2024

K. Lal
Steno Gr.-II

(Ravipal Singh)
Civil Judge(Jr. Divn.),
Ludhiana(D)(UID-PB0410)

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of
Punjab etc.

Present: Sh. H.R. Dhanda Advocate for the plaintiff.
Ms. Manjinder Kaur GP for defendant.

PW-2 Harpreet Kaur is present and partly cross examined.
Further cross deferred for want of documents. She is bound down for
the next date.

No other PW is present. Summons issued but not received
back. Bailable warrants not issued. Let PW Dr. Chaman Lal be
summoned through bailable warrants in the sum of Rs. 5000/- with one
surety in like amount.

On request, the case stands adjourned to 16.12.2024 for
evidence of the plaintiff.

Date of Order: 09.10.2024
santosh gupta-II

(Radhika Puri)
Addl Civil Judge (Sr Division), Ludhiana
UID NO . PB00306

CNR No: PBLD020045892021

CIS No: CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET VS State Of
Punjab etc.

Present: Sh. Harish Rai Dhanda advocate for the plaintiff.
Ms. Manjinder Kaur, GP for the defendant

File put up before me being Duty Judge as Ld. Presiding
Officer is on medical leave w.e.f. 21.11.2024 to 19.12.2024. Now to
come upon 07.02.2025 for the purpose already fixed.

Date of Order: 16.12.2024
santosh gupta-II

(Rajbeer Kaur)
Civil Judge, (Jr. Divin), Ludhiana (D)
UID NO . PB0405

Present: Sh. H.R. Dhanda Advocate for the plaintiff.
Ms. Manjinder Kaur GP for defendant.

PW-3 Renuka Singh is present and examined-in-chief. Her cross examination is deferred at the request of GP as he has stated that regular GP Ms. Manjinder Kaur has gone on suddenly today only and GP was informed 10:00 Clock about the listing of the case and affidavit has been tendered today only. She is bound down for 24.03.2025.

No other PW is present. Bailable warrants issued to PW Dr. Chaman Lal has not been received back. As such, he be again summoned through bailable warrants for the date fixed.

On request, the case stands adjourned to 24.03.2025 for remaining evidence of the plaintiff as well as cross examination of PW-3 Renuka Singh.

Date of Order: 07.02.2025
manisha-III

(Radhika Puri)
Addl. Civil Judge (Sr. Divn), Ludhiana
UID NO . PB0306

CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET Vs. STATE OF
PUNJAB

Present: Sh. H.R. Dhanda Advocate for the plaintiff.
Ms. Manjinder Kaur GP for defendant.

PW-2 Harpreet Kaur, Joint Director Language Department
is present and cross examined. No other PW is present.

Today an applicaiton on behalf of Dr. Renuka Singh to
record her further evidence /cross examination through VC has been
received.

An application for the amendment of the list of witnesses
has been filed by the plaintiff. Copy supplied. Now to come upon
18.04.2025 for filing reply to this applicaiton.

Date of Order: 24.03.2025
santosh gupta-II

(Radhika Puri)
Addl. Civil Judge (Sr. Divn), Ludhiana
UID NO . PB0306

CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET Vs. STATE OF
PUNJAB

Present: Sh. H.R. Dhanda Advocate for the plaintiff.
Ms. Manjinder Kaur GP for defendant.

Reply to applicaiton on behalf of Dr. Renuka Singh to record her further evidence /cross examination through VC and reply to the application for the amendment of the list of witnesses and reply to the application to record the evidence of Dr. Chaman Lal have bee filed by the GP. Now to come upon 09.05.2025 for cosideration all these applicaitons.

Date of Order: 18.04.2025
santosh gupta-II

(Radhika Puri)
Addl. Civil Judge (Sr. Divn), Ludhiana
UID NO . PB0306

Present: Sh. H.R. Dhanda Advocate for the plaintiff.
Ms. Manjinder Kaur GP for defendant.

On request, the case is adjourned to 21.07.2025 for consideration on applicaiton on behalf of Dr. Renuka Singh to record her further evidence /cross examination through VC as well as on application for the amendment of the list of witnesses and on application to record the evidence of Dr. Chaman Lal.

Date of Order: 09.05.2025
Manisha Puri-III

(Pavleen Singh)
Addl. Civil Judge (Sr. Divn), Ludhiana
UID NO . PB0306

CS/3585/2021.

Heard on both applications moved on behalf of Dr. Chaman
r. Renuka Singh to record their evidence through video
It has been pleaded in the applications that the applicants are
ns and having age about 78 years and 72 years respectively.

Upon consideration of the applications, considering the advanced ages of the witnesses, they being residents of Delhi and Chandigarh and in order to avoid unnecessary harassment to the senior citizen witnesses, permission is granted to the witnesses Dr. Renuka Singh and Dr. Chaman Lal, respectively for getting themselves cross examined through Video Conference. However, the said permission shall be conditional for cross examination and not for examination in chief. Also, in the circumstances where cross examination would require their presence before the Court, both the witnesses shall make themselves available before the Court.

Now to come up on 23.07.2025 for consideration on application for amendment in the list of witnesses.

Date of order: 21.07.2025.

Jasdeep Singh, Stenographer Grade-II

Ludhiana. UID No. PB0362.

CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET Vs. STATE OF
PUNJAB
PUNJAB

Present: Sh. H.R. Dhanda Advocate for the plaintiff.
Sh.Balwinder Singh, APP for the state.

On request, the case stands adjourned to 25.07.2025 for
consideration on the application for amendment in the list of witnesses.

Date of Order: 23.07.2025
Santosh Gupta-II

(Pavleen Singh)
Addl. Civil Judge (Sr. Divn), Ludhiana
UID NO . PB0362

Mitter Sain Goyal Vs. State of Punjab

CS/3585/2021.

Present Sh. H.R Dhanda Adv., for plaintiff
 Ms. Manjinder Kaur G.P for defendant.

Heard on application moved by the plaintiff for amendment of the list of witnesses. It has been averred in the that Sh. Surjit Singh Pattar, Chairman of the Punjab Art Council Chandigarh was summoned as witness alongwith records but unfortunately he has died and now Sh. Swaranjit Singh has been appointed as Chairman on his place. As such, prayer has been made that list of witnesses may be amended and Sh. Swaranjit Singh Savi be summoned as witness along with additional record.

Upon notice, Ld. G.P for the defendant filed reply and submitted that neither the death certificate of Sh. Surjit Singh Pattar nor appointment letter of Sh. Swaranjit Singh Savi placed on record by the plaintiff. Other assertions made in the application have been denied with prayer to dismiss the application.

I have heard Ld. Counsel for both parties and gone through the record carefully.

The present application has been filed by the plaintiff to examine Sh. Swaranjit Singh Savi in place of Sh. Surjit Singh Pattar. It is a fact of common notice that Sh. Surjit Singh Pattar being renowned writer, died on 11.05.2024 and that Sh. Swaranjit Singh Savi is appointed on his place for which documents as alleged are not required per se. The application to summon Sh. Surjit Singh Pattar has already been allowed by Ld. Predecessor of this Court. As such, this Court find no prejudice affecting defendants to substitute him on account of his death by the next person on the chair. Moreover, the defendant shall have opportunity to cross-examine him as plaintiffs witness. Accordingly, the present application is allowed, in the interest of justice. The plaintiff is permitted to examine Sh. Swaranjit Singh Savi to examine as witness in the present case.

Now to come up on 11.08.2025 for plaintiff's evidence and for filing amended list of witnesses. Pws be summonsd accordingly.

Date of order: 25.07.2025.

Pavleen Singh, PCS,
Additional, Civil Judge, Sr. Division,
Ludhiana. UID No. PB0362.

CS/3585/2021

MITTER SAIN GOYAL @ MITTER SAIN MEET Vs. STATE OF
PUNJAB

Present: Sh. H.R. Dhanda Advocate for the plaintiff.
Sh.Balwinder Singh, GP for defendant.

PW-3 Renuka Singh is present and cross examined completely through VC.

PW-4 Chaman Lal tendered is affidavit into his evidence through VC. Copy supplied. Cross deferred on the request of Ld GP for the date. As such, PW-4 is bound down for cross examination for next date of hearing. No other PW is present. On request, the case stands adjourned to 15.09.2025 for cross examination of PW-4 and for remaining evidence of the plaintiff. Pws be summoned for the date fixed.

Date of Order: 11.08.2025
Santosh Gupta-II

(Pavleen Singh)
Addl. Civil Judge (Sr. Divn), Ludhiana
UID NO . PB0362

CNR No:PBLD020045892021

CASE No:CS-3585-2021

MITTER SAIN GOYAL @ MITTER SAIN MEET Vs State Of Punjab

Present: Sh. H.R. Dhanda Advocate for the plaintiff.
Sh.Balwinder Singh, GP for defendant.

PW-5 Daljit Singh is present and cross examined completely.

No other PW is present. On request, the case stands adjourned to 15.10.2025 for cross examination of PW-4 and for remaining evidence of the plaintiff. Pws be summoned for the date fixed.

Date of Order: 15.09.2025
Santosh Gupta-II

(Pavleen Singh)
Additional Civil Judge (Senior Division),
Ludhiana
UID No . PB00362

CS-3585-2024 Mitter Sain Goyal & Ors. Vs State of Punjab & Ors.
Present: Sh. H.R. Dhanda, Advocate counsel for plaintiff.
 Sh. Harfateh Singh, GP for defendant.

Suit received by way of transfer. It be registered. The perusal of the file reveals that case was fixed for cross-examination of PW-4 and for remaining evidence of the plaintiff. No PW is present today. Ld. Counsel for the plaintiff requested for adjournment. On his request, matter is adjourned to 04.11.2025 for cross-examination of PW-4 and for remaining evidence of the plaintiff. PW's be summoned for date fixed.

Date of Order: 15.10.2025

Ankita Kapoor Stenographer Gr. III

Directly dictated

(Dr. Dasvinder Singh)
Civil Judge (Junior Division)
Ldh/UID No. PB0750