

**IN THE HIGH COURT OF PUNJAB AND HARYAN AT
CHANDIGARH**

CR No. 189 of 2014
Date of Decision : 30.7.2015

Vipan Kumar VermaPetitioner

Versus

General Public and anotherRespondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present:- Mr. N.L. Sammi, Advocate, for the petitioner

None for the respondents

M.M.S. Bedi, J.

Despite service no one has put in appearance on behalf of the respondents. The respondents are proceeded against ex parte.

This revision petition has been filed against order dated 18.12.2013, dismissing the application of the petitioner for his impleadment as LR of Ms. Shanta Verma in a petition under Section 372 of the Indian Succession Act filed by Ms. Shanta Verma.

A perusal of the record indicates that Ms. Shanta Verma had filed the above petition on the basis of a Will dated 1.3.2007. Ms. Shanta Verma died on 25.3.2011. The petitioner, who was respondent No.2 in the above petition, filed an application for being impleaded as LR of Ms. Shanta Verma. Vide impugned order, the application has been dismissed observing that the petitioner, against whom the petition has been filed, cannot be permitted to be impleaded as LR of deceased Ms. Shanta Verma.

Aggrieved by the said order, the present petition has been filed.

I have considered the facts and circumstances of the case and I am of the considered opinion that in case the petitioner is permitted to be impleaded as LR of Ms. Shanta Verma, on the basis of a Will, which is the subject matter of the Succession Certificate, it will be the misuse of the process of law. The contesting respondent cannot be permitted to be impleaded as LR of the opposite party after his death.

I do not find any ground to interfere in the impugned order. Accordingly, this revision petition is dismissed.

However, it will be open to the trial Court to permit the natural heirs or any other person claiming to pursue the proceedings after the death of Ms. Shanta Verma. It is observed that dismissal of this revision petition will not, in any manner, prejudice the legal rights of the petitioner to be finally determined in the succession proceedings or in any other civil litigation pertaining to the estate in dispute.

(M.M.S. BEDI)
JUDGE

30.7.2015
Ashwani