

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.2224 of 2013 (O&M)

Date of decision: 20.08.2015

Subhash Chander Singh

.....Petitioner

versus

Jagtar Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Kanwaljit Singh, Senior Advocate with
Mr.Vikram Gupta, Advocate for the petitioner
Mr.Ashok Saini, Advocate for respondent No.1

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 28.1.12013, passed by the learned Additional Civil Judge, Senior Division, Baba Bakala, vide which, application of one Jagtar Singh was allowed to implead him as LR of deceased -plaintiff Bhagat Piara Singh.

Suffice to say that Bhagat Piara Singh has filed a suit for declaration that he is duly nominated successor of late Sant Rasila Ram Ji, Gaddi Nashin Dera Baba Teja Singh, Saidpur and the president of defendant Nos.4 and 5 -Trust, on the basis of a Will dated 24.7.2011, executed by Sant Rasila Ram Ji and that defendant No.1 has got no title, right or interest with the Gaddi of Dera Saidpur or presidentship of the Trust. Permanent injunction was also sought.

It comes out that during pendency of the suit, Bhagat Piara Singh died and his widow Bimla Rani as well as one Jagtar Singh filed application for impleading them as LRs of the deceased-plaintiff. Suffice to say that Bimla Rani has withdrawn the said application, whereas Jagtar Singh has claimed that on the basis of Will dated 4.9.2011, he is the successor of Bhagat Piara Singh. Lower Court allowed the Jagtar Singh to represent the deceased-plaintiff subject to strict proof of the execution of Will and for the purpose of suit only.

I have heard learned counsel for the parties and perused the material on record.

The question arising for consideration would be as to whether cause of action survives after the death of Bhagat Piara Singh or can Jagtar Singh represent the deceased? The merits of the case are not to be gone into at this stage. Bhagat Piara Singh had claimed that he was appointed as successor of Sant Rasila Ram through gaddi of said Dera on the basis of Will dated 24.7.2011, executed by Sant Rasila Ram. He is also the president of defendant Nos.4 and 5 –Trust. Now Jagtar Singh claimed that Bhagat Piara Singh had further executed a Will in his favour, vide which after his death, he is to become successor of the said Dera and the President of the Trust.

There is no need to make any comments on the merits of the case at this stage. I am of the view that it is a dispute regarding succession of the Head of Dera and the Presidentship of the Trust and from the face of it, cause of action will not die with the death of

Bhagat Piara Singh. Anybody claiming to be successor of the Dera or successor of the rights of Bhagat Piara Singh could represent him for the purpose of disposal of the suit. Therefore, I do not find any illegality or infirmity in the impugned order.

The defendants shall be at liberty to raise all the legal pleas or the pleas on the facts, against the claim of Jagtar Singh and press for framing of issue on the said point.

Accordingly, with abovenoted observations, the revision stands dismissed.

20.08.2015
gk

(Kuldip Singh)
Judge