

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

C.R. No. 2440 of 2014 (O&M)

Date of decision:- 14.12.2015

Narinder Kaur & anr. ...Petitioners

Versus

Friends Agricultural Farm Jind & ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. R.S. Bal, Advocate,
for the petitioners.

Mr. S.L. Barwala, Advocate
for respondent Nos. 1 and 2.

RITU BAHRI J.

Petitioner has filed the instant revision petition under Article 227 of the Constitution of India assailing order dated 13.02.2014 passed by the learned Civil Judge (Jr. Divn.), Ropar whereby an application for impleading the petitioners as party in place of Harbhajan Singh, as legal heirs of Harbhajan Singh, who had died on 12.01.2012, has been dismissed.

A suit has been filed by the respondents against Harbhajan Singh and Hardev Singh claiming that they are owners of land and are in possession of land mentioned in the plaint. Thereafter, two applications have been filed one by the plaintiffs/respondents for

leading secondary evidence and another by the petitioners for impleading them as party. The application filed by the petitioners has been dismissed on the ground that there is delay in filing the present application, as Harbhajan Singh died on 12.01.2012 and the application has been filed on 13.02.2014.

However, the application filed by the respondents/plaintiffs has been allowed, as it was not being objected by respondent No. 2.

Learned counsel for the petitioners submits that the petitioners are wife and son of Harbhajan Singh who are residing far away from District Ropar and in the remote area on the boundary area of Pakistan at village Roriwala, Tehsil Patti, District Tarn Taran and had no knowledge regarding the pendency of the present civil suit at Ropar.

Heard learned counsel for the petitioners.

Reference at this stage can be made to a judgment of Hon'ble the Supreme Court in a case of ***Ram Sumiran v. DDC, AIR 1985 SC 606*** whereby Hon'ble the Supreme Court by taking into consideration the rural background of the appellants and prevailing illiteracy and ignorance in the country, held that the period of six years in filing an application for bringing on record the legal representatives of deceased-respondent on record was reasonable.

The judgment of Hon'ble the Supreme Court has been followed by Rajasthan High Court in a case of ***Balmukund Arora vs. State of Rajasthan and others, 2005 AIR (Raj) 228.***

In the present case, Harbhajan Singh died on 12.01.2012 and the application has been filed on 13.02.2014, so there is delay of 02 years. The suit filed by the plaintiffs is for restraining the defendants from asserting their title to the suit property on the basis of alleged ex parte judgment and decree dated 17.11.2008 and from alienating, selling or interfering into the peaceful possession of the plaintiff's over the suit property. So, the present petitioners have every right to be heard on merit after the death of Harbhajan Singh.

Applying the ratio of the above mentioned judgments to the facts of the present case, the present petition stands allowed and order dated 13.02.2014 passed by the learned Civil Judge (Jr. Divn.), Ropar is hereby set aside and the petitioners are allowed to be impleaded as party in the suit.

14.12.2015
G Arora

(**RITU BAHRI**)
JUDGE