

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.4118 of 2015

Date of Decision.06.07.2015

Sikender Singh and another

.....Petitioners

Versus

M/s Darshan Singh Harminder Singh Commission Agents and others

.....Respondents

Present: Mr. O.P. Goyal, Senior Advocate with
Mr. Randeep Singh Smagh, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The plaintiff, who filed a suit for recovery of money against the estate of the deceased-borrower, moved an application three years later to implead the petitioner, a third party, on the ground that the mutation relating to the estate has been made in favour of the petitioner and he as a person holding the estate of the deceased must be answerable for his claim. Originally the suit had been instituted only against the brother and sister of the deceased and the petitioner who is not a relative but who claims the estate, was sought to be impleaded on the basis of such mutation. On the application filed by the plaintiff, the objection taken was that the mutation had been entered in his name even in the year 2011 and the impleadment was now being sought after a long delay and after the conclusion of the trial at its fag end.

2. Where the nature of action is such that it is against the

estate and not personally against the defendants, there ought to be certain play in the joints for the Court to allow for a proper adjudication to bring on record any one who may have a stake in the estate. If the petitioner's objection is that the impleadment is grossly belated and the claim is time barred by limitation, such a contention will be still kept open and the petitioner shall be permitted to take up that defence relating to limitation. I will not find any error in the order for intervention but I reserve to the petitioner liberty of taking any plea of limitation by way of written statement and the same will be considered at the appropriate time of disposal of the case after allowing for evidence to be given by the petitioner in full.

3. The revision petition is dismissed but with the above observation.

(K. KANNAN)
JUDGE

July 06, 2015
Pankaj*