

CR-4495-2015 (O&M)

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

**CR-4495-2015 (O&M).
Decided on: July 20, 2015.**

Kanwar Sarvinder Singh

..... Petitioner(s)

Versus

Harbans Kaur and others

..... Respondent(s)

*** * ***

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

**PRESENT Mr.C.M.Munjal, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

Kanwar Sarvinder Singh had filed a suit for actual physical possession of the property mentioned in the heading of the plaint besides seeking prohibitory injunction. During pendency of the suit, he died.

Vide impugned order the trial Court has allowed the application of respondent No.5 Ms.Sudarshan Harkirat Singh, sister's daughter of the deceased and Harinder Singh who is brother's son of the deceased plaintiff.

Counsel for the petitioner, aggrieved by the impugned order, has claimed that the petitioner being nephew of the deceased has got a preferential right on the basis of a registered Will in favour of the petitioner. It is an admitted fact that respondent No.5 also has a registered Will in her favour. The trial Court has rightly

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impleaded both, the petitioner as well as the respondent No.5 as LRs of the deceased plaintiff to enable them to pursue with the litigation.

Counsel for the petitioner has further contended that in case any decree is passed in favour of the legal heirs of the plaintiff, it will be difficult for both the LRs to execute the decree.

I do not find any force in the contention of counsel for the petitioner. The primary objective of the LRs should be to pursue the case of the deceased plaintiff and seek the relief. In case the relief is granted to the heirs of the plaintiff, it will be open to the LRs to claim their individual rights qua each other so far as their rights, title and interest in the property left by the plaintiff are concerned.

Disposed of.

It is made clear that the impugned order will not, in any manner, affect the right, title and interest of the petitioner or respondent No.5, which could be claimed by them independently.

July 20, 2015.
rka

(M.M.S. BEDI)
JUDGE