

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

CR No.4599 of 2015 (O&M)

Date of Decision: December 17, 2015

Harchand Singh

.... Petitioner

vs.

Gurdip Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. P.P.S. Doabia, Advocate for respondent No.2.

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)

Heard.

In a suit for partition, separate possession was sought by Malkiat Singh and Harchand Singh. It came out that plaintiff No.1- Malkiat Singh died. Vide order dated 07.06.2012 (Annexure P-6), learned Civil Judge (Jr. Divn.), Ludhiana, ordered that the suit qua plaintiff No.1 stands abated and plaintiff No.2 can proceed with the same.

The application filed for reviewing the said order was dismissed by the successor court holding that the remedy is to file appeal or revision.

I am of the view that since the suit was for partition, it cannot be abated due to the death of one of the co-plaintiffs. If legal heirs want to come on record, they should have been allowed to do so.

In view of the aforesaid, order dated 07.06.2012 (Annexure P-6) and order dated 05.05.2015 (Annexue P-7) are set aside and the legal heirs of plaintiff No.1 are allowed to come on record.

Hence, the present revision petition stands allowed.

December 17, 2015
sarita

(KULDIP SINGH)
JUDGE