

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

CR No.5857 of 2015 (O&M)

Date of decision : 08.09.2015

Prem Sagar Sharma

...Petitioner

Versus

Sham Lal deceased through LRs

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

Challenge in the present petition is to the order dated 11.08.2015 (Annexure P-1), whereby application filed under order 1 Rule 10 CPC for impleading all the LRs of Sham Lal since deceased-vendor, has been declined.

Mr. Rakesh Gupta, learned counsel appearing on behalf of petitioner submits that suit had been filed for seeking specific performance of agreement to sell dated 16.04.2008, whereas Sham Lal-vendor had expired before filing of the suit. Prior to the filing of the suit, legal notice (Annexure P-5) was sent to all the LRs of Sham Lal and, therefore, in order to avoid the technical implication, the application aforementioned was

moved.

He further submits that suit is at the stage of plaintiff's evidence. No harm would be caused, if all the LR's of Sham Lal are impleaded.

I have heard learned counsel for the petitioner and appraised the paper book.

It is settled law that as per provision of Order 22 Rule 4 and 11, it is not necessary to bring the LR's of deceased on record. What has to be seen is whether estate is effectively been represented or not. This fact has been held by judgment rendered by Division Bench of this Court in *Sardara Singh and another Vs. Harbhajan Singh and ors. 1974 PLJ 341* and by relying upon the judgment rendered by Lahore High Court.

In my view, the petitioner-plaintiff's apprehension that suit may not be decided owing to the technical hitch that all LR's of Sham Lal have not been impleaded, is misplaced. Once the widow and two sons of Sham Lal had already been impleaded as legal heirs, in my view estate of the defendants is being sufficiently represented. There should be no technical hitch. It is not the case that Sham Lal had entered into agreement to sell in respect of property owned by the LR's. It was his self-acquired property.

On going through impugned findings of the trial Court, it is discernible that application was for amendment, but in fact, was for impleadment of all the LR's of Sham Lal.

With the aforementioned observations, I do not find illegality and infirmity in the impugned order, whereby application filed under Order 1 Rule 10 on behalf of petitioner for bringing on record the other LR's of

Sham Lal other than one already impleaded as necessary party, has been dismissed.

With the aforementioned observations, revision petition stands disposed of.

08.09.2015

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**(AMIT RAWAL)
JUDGE**