

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

Civil Revision No. 7603 of 2014

Date of decision: November 30, 2015

Sukhbir

-Petitioner

Versus

Ranbir Singh and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aditya Jain, Advocate
for the petitioner.

Mr. K.B. Sharma, Advocate
for Lrs of respondent No.5.

RAJ MOHAN SINGH, J. (ORAL)

Plaintiff has assailed the order dated 26.08.2014
vide which suit of the plaintiff against defendant No.5 was
ordered to be abated for want of impleading legal
representatives of defendant No.5.

In view of amendment in Punjab and Haryana High
Court Rules dated 11.04.1975, legal heirs of deceased-
defendant No.5 can be brought on record at any time and
limitation does not apply.

Learned counsel for the petitioner contends that if
no application for impleading legal heirs of deceased-

defendant No.5 is moved within the time prescribed, the suit does not abate. The judgment can be pronounced notwithstanding the death of deceased-defendant No.5 and it would have the same effect as if, it had been pronounced before the death took place.

Even as per amendment, defendant is equally responsible. It is for the legal representatives of the defendant to come forward by way of getting themselves impleaded on record. Having heard the learned counsel for the parties, I am of the view that the impugned order does not survive.

Since, there is no limitation for impleading the Lrs of deceased-defendant No.5 on record, therefore, the impugned order is set aside and this revision petition is allowed. Both the parties are directed to appear before the trial Court on 07.01.2016.

30.11.2015
jyoti

(RAJ MOHAN SINGH)
JUDGE