

CR-865-2015 (O&M)

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

**CR-865-2015 (O&M).
Decided on: April 22, 2015.**

Balwinder Singh

..... Petitioner

Versus

Tez Kaur @ Tej Kaur (since deceased through LRs)

..... Respondent

*** * ***

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

**PRESENT Mr.Rakesh Gupta, Advocate,
for the petitioner.**

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

The defendant has filed this revision petition challenging the order dated 1.12.2014 allowing the application for impleading legal representatives of the plaintiff Tej Kaur.

Counsel for the petitioner submits that main grievance is that husband of Tej Kaur has not been included in the array of LRs, as such the order dated 1.12.2014, warrants interference and that Kirpal Singh husband of Tej Kaur should be included as one of the Lrs of deceased plaintiff Tej Kaur

I have heard the counsel for the petitioner and counsel for the respondents. Plaintiff Tej Kaur predecessor-in-interest of the respondents had filed a suit for injunction and declaration challenging the sale deed dated 16.5.2001 registered on 23.5.2001,

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executed by her in favour of defendant-petitioner to the extent of 144/1070 share of the total land measuring 7 bigha 4 biswas.

Counsel for the petitioner has submitted that Kirpal Singh has not been intentionally impleaded as LR because he is a witness to the sale deed executed by Tej Kaur.

Counsel for the respondents (successors-in-interest of Tej Kaur) has contended that as the property in dispute vested in Tej Kaur through her father the provisions of Section 15 (2) of the Hindu Succession Act, would be applicable and that Kirpal Singh would not have any right in the property so far as succession is concerned.

I have heard the learned counsel for the petitioner as well as counsel for the respondents and I am of the opinion that while impleading the LRs, the Court generally does not enter into the controversy regarding the title of the property in dispute. The objective is merely to implead the LRs when the right to sue survives after the death of the plaintiff or the defendant. In the present case, the legal heirs i.e., sons and grandsons of Tej Kaur have been impleaded. It hardly makes a difference to the defendant-petitioner whether the husband has been impleaded or not as one of the LRs. He does not seem to have any locus standi to question the impleadment of heirs as one of the LR. Kirpal Singh himself has not opted to become LRs of Tej Kaur.

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No ground is made out for interference in the impugned order. The petition is dismissed without prejudice to the rights of the defendant-petitioner to be determined on the basis of the pleas taken in the written statement.

April 22, 2015.
rka

(M.M.S. BEDI)
JUDGE