

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

CR No.957 of 2015

Date of Decision:-19.02.2015

Sarvesh Kumar through Lrs.

.....Petitioner.

Versus

Bipen Kumar & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Rajan Bansal, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

The two sons claiming themselves to be the only legal heirs of defendant no.3 Sarvesh Kumar on the basis of a Will dated 30.11.2011 executed by the said Sarvesh Kumar, are in revision aggrieved by the order dated 22.05.2013 (P-5) passed by the learned Civil Judge(Jr. Divn.), Bhatinda whereby all the natural legal heirs of defendant no.3-Sarvesh Kumar including the present two petitioners have been impleaded as party.

Having heard learned Counsel for the petitioner at length, this Court finds no ground to interfere with the impugned order. It is apparent that plaintiff no.1 and 2 are the real brothers of defendant no.3 Sarvesh Kumar(since deceased). The plaintiffs have filed a suit to the effect that they along with defendant no.3 are owners in peaceful possession of a residential house described in the plaint and further challenging the sale deed dated 29.12.2010 executed by defendant no.1 in favour of defendant

no.2. It appears that Sarvesh Kumar-defendant no.3 has not claimed any independent right and thus, appears to have filed an admitted written statement. His rights would sail along with the rights of the plaintiffs. Since during the trial, Sarvesh Kumar had died and on the application of the plaintiffs all the natural legal heirs have been impleaded vide the impugned order by declining the request of two sons being the sole legal heirs on the basis of Will dated 30.11.2011 executed in their favour by deceased Sarvesh Kumar. The approach of the learned trial Court cannot be seriously faulted with as they have been impleaded only for the purpose of pursuing the present litigation, wherein the case of defendant ho.3 is totally dependent upon the fate of the plaintiffs.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

February 19, 2015
Vinay