

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

Date of decision:05.01.2015

Jaspal

.....Petitioner

v.

Sujata and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Vivek Rattan,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Applicant-Jaspal Singh is in revision aggrieved by the order dated 22.8.2014 (P-5) passed by learned Civil Judge (Junior Division) Patiala whereby his application under Order 1 Rule 10 CPC for impleading the applicant as defendant has been dismissed.

It is apparent that respondents- Dr.Sujata and her son Shivam have filed a suit for mandatory injunction against the State Government seeking payment of retiral benefits and family pension on the death of her husband-Dr.Bachan Singh, who concededly retired in August 2009 in the rank of Associate Professor from Government, Mohindra College, Patiala. Applicant-Jaspal Singh is brother of late Dr.Bachan Singh and seeks his impleadment on the ground that relations between his brother and his family were strained and it was he who used to look after his late brother during his lifetime. It is further stated that late Dr.Bachan Singh had appointed the applicant-Jaspal

Singh as his nominee for the bank account where the retiral benefits were deposited. The learned trial Court has dismissed the application on the premises that the applicant being Class II legal heir in the presence of Class I legal heirs was not entitled to be impleaded in the suit seeking retiral benefits since mere nomination itself does not wash away the impact of provisions of Hindu Succession Act, 1956.

Having heard learned counsel for the petitioner, this Court is not inclined to interfere with the impugned order. It is not in dispute that in the present suit the widow and son of late Dr. Bachan Singh are seeking release of retiral benefits, who concededly are Class I legal heirs. It also cannot be disputed that as per provisions of Hindu Succession Act, 1956 there is no legal bar for the plaintiffs to seek release of retiral benefits of late Dr. Bachan Singh even if relations were strained. Thus, in the presence of Class I legal heirs the applicant- Jaspal Singh who is Class II legal heir has no right to be impleaded.

For the reasons stated above, the present revision petition stands dismissed.

05.01.2015
joshi

(Jaswant Singh)
Judge