

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

**CR No. 1186 of 2016 (O&M)
Date of decision: 16.02.2016**

Ravi Kumar

... Petitioner

versus

Neetu Bala and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.

K.Kannan, J. (ORAL)

The 3rd party claiming herself to be a daughter of Suman Kumari has been impleaded as the defendant. The suit is with reference to the estate of Suman Kumari claimed by the plaintiff under a Will. The plaintiff's objection is that she is not the daughter of Suman Kumari, which I think is not required to be adjudicated now. The plaintiff is at liberty to take up a plea at the time of bringing an amendment in the plaint impleading her, his own version of status of Suman Kumari. The court will frame additional issues necessary on the basis of plaintiff's pleadings and cast the burden of proof on the newly impleaded party to prove her status as a daughter of Suman Kumari.

The newly impleaded party will have the benefit of statement to be filed after the amended plaint is made within the time as prescribed by it and she will join the proceedings from the date when she moved an application for impleadment. She will have the benefit of cross-examination of only such witnesses who were examined-in-chief subsequent to her application for impleadment.

The order already passed is maintained but subjection to the observations made above.

**(K.KANNAN)
JUDGE**

16.02.2016

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