

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.1438 of 2015

Date of Decision: January 19th, 2016

Mangat Singh @ Mangat Ram & others

...Petitioners

Versus

Rao Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Raj Kumar Rana, Advocate,
for the petitioners.

Mr.Munish Jolly, Advocate,
for respondent Nos.1 & 2.

Mr.Sandeep Goyal, Advocate,
for respondent Nos.3, 4 & 6.

AMIT RAWAL, J. (Oral)

The petitioners are aggrieved of the order dated 20.3.2014 (Annexure P-10), whereby the application seeking impleadment of L.Rs of Bhikha Ram-plaintiff in a suit for declaration has been partly allowed and partly declined, in essence, the daughter of Bhikha Ram has been allowed to be impleaded as his L.R, whereas the grand-sons and daughter-in-law has been rejected on the ground that the defendants had specifically pleaded that the daughter-in-law had re-married and the grand-sons had not been born out of the lions of Sucha Ram.

Mr.Raj Kumar Rana, learned counsel appearing on behalf of the petitioners submits that the petitioners are sons and widow of Sucha

Ram and to that effect, school certificates and other documents have been attached along with the petition. He further submits that the death certificate, due to inadvertence, could not be placed before the trial Court and, therefore, the trial Court could not ponder upon such points.

Mr.Munish Jolly, learned counsel appearing on behalf of respondent Nos.1 and 2 submits that once the daughter-in-law has re-married and there is no proof of the grand-sons having been born from the sons of Sucha Ram, the application has been rightly declined by the trial Court.

I have heard the learned counsel for the parties.

Since the certificates placed on record in the present revision petition are not part of the record of the trial Court, I am of the view that the matter vis-a-vis impleadment of grand-sons of Bhikha Ram and daughter-in-law, being son and wife of Sucha Ram, is required to be reconsidered by the trial Court by taking into consideration the aforesaid birth certificate.

Accordingly, the order declining the application for bringing on record the L.Rs vis-a-vis the impleadment of grand-sons and daughter-in-law of Bhikha Ram, is hereby set-aside and the revision petition is disposed of with a direction to the trial Court to decide the same afresh.

January 19th, 2016
ramesh

(AMIT RAWAL)
JUDGE