

**CR-3022-2016 &
CR-3801-2016**

[1]

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

(1)

CR-3022-2016

Date of Decision:-29.11.2016

Jeet Singh

...Petitioner

V/S

Gram Panchayat and others

.....Respondents

AND

(2)

CR-3801-2016

Jeet Singh

...Petitioner

V/S

Gram Panchayat and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present : Mr. S.S. Ghangas, Advocate,
for the petitioner in both the petitions.

Mr. Suryakant Gautam, Advocate,
for respondent No.3 & 5 to 10 (in CR-3022-2016)

Darshan Singh, J. (Oral)

The present revision petitions have been filed against the orders dated 18.01.2016 and 06.11.2015 passed by learned Civil Judge, Jr. Division, Panipat, vide which the applications moved by the petitioner for impleading the legal representatives of deceased Bhim Singh has been dismissed.

2. It is an admitted fact that the suit was filed on 14.12.2011, and Bhim Singh had died on 05.12.2011 just 9 days prior to the institution of the suit.

3. Learned counsel for the petitioner has pleaded that the factum regarding the death of Bhim Singh-deceased was not in the knowledge of the plaintiff at the time of filing of the suit, as it was the recent happening. He, therefore, contended that, that was a mistake in good faith. He relied upon the case of *Surinderjit Kaur Versus Sukhdev Singh, 2015 (Suppl.) Civil Court Cases144*, to contend that the legal representatives of Bhim Singh-deceased should be allowed to be impleaded.

4. Learned counsel for the respondent contended that Bhim Singh-deceased was already dead at the time of filing of the suit. The application for impleading the legal representatives has been filed after the institution of the suit, so the application has been rightly dismissed by the learned trial Court.

5. I have duly considered the aforesaid contentions, this fact is not disputed that Bhim Singh-deceased has died just 9 days prior to the institution of the suit.

6. Petitioner has categorically pleaded that the factum regarding the death of Bhim Singh-deceased was not in their knowledge, this fact came to the knowledge of the petitioner only on the filing of the written statement by the contesting respondents and the application for impleading the legal representatives of Bhim Singh-deceased was filed within one month thereafter.

7. I found substance in the contentions raised by learned counsel for the petitioner that Bhim Singh-deceased, a dead person, was impleaded as a party to the suit due to mistake in good faith, so there is no legal impediment in impleading the legal representatives of Bhim Singh-deceased

to represent him in the suit.

8. So, the present revision petitions are hereby allowed. Impugned orders dated 18.01.2016 and 06.11.2015 are hereby set aside. The petitioner is allowed to substitute the legal representatives of Bhim Singh-deceased in his place to continue with the suit.

NOVEMBER 29, 2016
pankaj

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No