

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

CR No.3671 of 2016

Date of decision: 05.10.2016

Santosh and another

....Petitioners

Versus

Naresh Kumar and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ramender Chauhan, Advocate
for the petitioners.

REKHA MITTAL J. (Oral)

The present petition directs challenge against orders dated 02.03.2015 (Annexures P3 and P4) passed by the Additional District Judge, Bhiwani.

The sole submission made by counsel for the petitioners is that as Jai Parkash – respondent No.2 died during pendency of appeal, his legal representatives are required to be brought on record for complete and effective adjudication of the matter in controversy involved in the appeal. It is further submitted that the Court of appeal committed a gross error by declining prayer of the petitioner for impleading all the legal representatives of the deceased – Jai Parkash.

I have heard counsel for the petitioners and perused the paperbook particularly the orders impugned.

It is an undisputed position of the case that the petitioners filed a suit for declaration claiming themselves to be joint owners in possession of the suit land primarily on the ground that gift deed No.5326 dated 15.03.2004 executed by defendant No.2 (Jai Parkash) in favour of Naresh Kumar – defendant No.1 is null and void. The suit

filed by the petitioner was dismissed by the trial Court with the findings that the petitioners have failed to establish their plea that the suit land was ancestral property of Sandeep predecessor-in-interest of the plaintiff and that of the defendants. As the gift deed i.e. matter of controversy in the present proceedings is alleged to be executed by deceased in favour of his son Naresh Kumar already contesting the proceedings, no error much less illegality can be noticed in the order passed by the Court of appeal that there is no need to implead other legal representatives of deceased – Jai Parkash.

No other point has been raised.

For the foregoing reasons, the petition fails and is accordingly dismissed. However, nothing stated in this order shall be construed as an expression of opinion on merits of the case.

(REKHA MITTAL)
JUDGE

05.10.2016
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No