

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

CR No. 4002 of 2014 (O&M)

Date of decision: February 2, 2016

Ajay

...Petitioner

Versus

Premo and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

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. Surinder Gandhi, Advocate,
for the petitioner.

Mr. Neeraj Januha, Advocate, for
Mr. PS Sullar, Advocate,
for respondents No. 1 to 4.

K. KANNAN, J. (Oral)

1. During the pendency of a suit brought by the plaintiffs challenging a decree for specific performance obtained by the deceased decree-holder Azad Singh, the present petitioner sought impleadment claiming a right to the estate of Azad Singh as an adopted son. He was reported to have filed an adoption deed along with his application for impleadment, but the Court rejected the same. Learned counsel for the petitioner says that the document was very much on record but the court failed to note note of it. A 'legal representative' is a wider expression than the 'legal heir' and if there is a person interested in sustaining the decree which the defendant had, be he even an interlocutor, is bound to be given the right to contest as representing the estate, even without an elaborate adjudication whether he was adopted son or not. Some prima facie proof of

adoption was sufficient. The adjudication will bind the estate and the impleadment ought to have been ordered. The impugned order is set aside and the petitioner is directed to be impleaded as legal representative of the deceased Azad Singh.

2. A strange practice has been adopted by the petitioner in making a challenge to yet another order passed in the application to set aside the ex-parte order. The Registry ought to have directed the parties to file a revision independently and one combined revision ought not have been allowed against two different and distinct orders. However, for the laches on the part of the Registry for failing to examine the papers correctly, I will not let this pass through a fresh stage of revision with an application to condone the delay and put it through a rigmarole of notice and fresh order. I set aside the order setting the deceased 1st defendant ex-parte and order passed already directing the impleadment must include also a direction that the legal representative continue to represent the estate of the 1st defendant and the adjudication must move to a decision on merit as concerning the estate of the deceased 1st defendant.

3. The revision petition is disposed of on the above terms.

February 2, 2016
prem

(K.KANNAN)
JUDGE