

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

**CR No.4321 of 2016
Decided on.01.09.2016.**

Inderjit Singh

.....Petitioner

Versus

Raghubir Singh Kalsi and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Deepak Nayar, Advocate
 for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 04.05.2016 passed by the learned Additional District Judge, Amritsar, whereby the application moved by the petitioner under Order 22 Rule 4 read with Section 151 of the Code of Civil Procedure, 1908 (for short C.P.C.) for impleading the legal representatives of deceased-defendant no.1/respondent no.2-Roshan Lal Bhatia, has been dismissed.

2. In the concluding part of the order, the learned First Appellate Court has mentioned that appellant has no *locus standi* to come forward for getting the legal representatives of deceased-Roshan Lal Bhatia impleaded. But, in the earlier portion of the order, she has mentioned that there is no specific bar to the appellant to file the application under Order 22 Rule 4 CPC. So, there is a clear contradiction in the order and the conclusion arrived at by the learned First Appellate Court. Moreover, the perusal of the provisions of Order 22 Rule 4 (1) CPC depicts that the Court on an application made in that behalf, shall cause the legal representative of the deceased defendant to be made a party and shall proceed with the suit. So, it has not been specified in this provision that only the legal representatives of deceased-

defendant/respondent can move the application. This provision shows that the application can even be moved by any party to the suit/appeal. Thus, the impugned order passed by the learned First Appellate Court which leads us nowhere and is self contradictory, cannot be sustained in the eyes of law.

3. So, the present revision petition is hereby allowed. The impugned order dated 04.05.2016 passed by the learned First Appellate Court is hereby set aside. The matter is remitted to the learned First Appellate Court to pass the fresh order on the application moved by the appellant for impelading the legal representatives of the deceased-defendant- Roshan Lal Bhatia in accordance with law.

4. Parties are directed to appear before the learned First Appellate Court on 16.09.2016.

01.09.2016

S.khan

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No