

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 4633 of 2012 (O&M)

Date of decision: January 18, 2016

Simarjit Singh and another

.....Petitioners

VS.

Central Bank of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE K.KANNAN

Present: Mr.Gurshamshir Waraich, Advocate for
Mr. Gaurav Singla, Advocate
for the petitioners.

Mr. Raj Kumar , Advocate
for the respondent No.1.

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?**

K.KANNAN,J (Oral)

1. The revision petition is at the instance of the third party claiming to be representatives of the judgment debtor under a Will. The court found that Will was not proved and there was no justification for impleadment. If someone claims as third party representing the interest of the deceased and Will is produced, the Court will allow for the impleadment which will only help the decree holder secure the realization of the proceeds of sale and which would bind the persons who claim to be representatives of the judgment debtor. The impleadment would be more beneficial for the decree holder than the judgment debtor himself.

2. The order already passed is set aside and the impleadment is ordered. Further process in execution will proceed and there shall be no objection by the parties impleaded on any issue which the judgment debtor himself could not have taken. The rights and duties will abide by what defence was possible for the judgment debtor Bant Singh himself and the added party will not have any right which the judgment debtor did have.
3. At the stage the appeal Rs.2,50,000/- has been deposited and the said amount will be taken as credited towards amount due under the decree and further process in execution will go for the balance of amount in accordance with law.
4. The revision petition is allowed with the above directions.

JANUARY 18, 2016

Rajeev

**(K.KANNAN)
JUDGE**