

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

CR No. 5223 of 2015 (O&M)
Date of decision: May 9, 2016

Darbara Singh

...Petitioner

Versus

Gurdev Singh and others

...Respondents

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

Present: Mr. JK Chauhan, Advocate,
for the petitioner.

Mr. RK Upadhyay, Advocate,
for respondent No.1.

K. KANNAN, J. (Oral)

1. The defendant has a grievance that the Will propounded by the 4th defendant as having been executed by his deceased father Kartar Singh on 25.6.2001 requires an issue to be framed, but the court below has framed an issue with regard to the Will set up by the plaintiff. There shall be a direction to the trial court to frame the following issue:-

“Whether the Will alleged to have been executed by deceased Kartar Singh on 25.6.2001 is true and valid?

2. Learned counsel for the petitioners states that the daughters of the deceased have not been impleaded. Instead of framing an issue of non-joinder, I deem it necessary that all the heirs but for the Will would also required to be impleaded. The following are the legal heirs of the deceased Kartar Singh and late Smt. Charan Kaur:

- i. Shamsher Kaur daughter of Shri Kartar Singh
 - ii. Amrinder Singh;
 - iii. Kulbir Singh; and
 - iv. Balbir Singh sons of late Smt. Charan Kaur
3. The above legal representatives of deceased Kartar Singh and Charan Kaur are ordered to be impleaded.
4. The impugned order is set aside and the revision is allowed on the above terms.

May 9, 2016
prem

(K. KANNAN)
JUDGE