

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

**CR No.5144 of 2014
Date of decision: 16.05.2016**

Prince Bath (minor) & another

.....Petitioners

Versus

Gurtej Singh & others

.....Respondents

. . .

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

**Present: Mr. Naveen Batra, Advocate
for the petitioners.**

None for respondent No.1.

**Mr. S.S.Rangi, Advocate
for respondents No.2 and 3.**

. . .

DARSHAN SINGH, J (ORAL)

This revision petition has been preferred against the order dated 03.07.2014 (Annexure P-6) passed by the learned trial Court, vide which respondent No.2/defendant No.4-Jarnail Singh has been allowed to be impleaded as legal representative of deceased plaintiff-Sukhwinder Kaur and he has been transposed as plaintiff.

2. Heard.

3. This fact is not disputed that respondent No.2/defendant No.4-Jarnail Singh is the son of deceased plaintiff-Sukhwinder Kaur. Though he has claimed to be

impleaded as the legal representative of Sukhwinder Kaur on the basis of will dated 14.08.2012 allegedly executed in his favour by Sukhwinder Kaur but the said will is not in question in the present suit and the legality of that will is not to be determined in the present suit. The question involved in the present suit is only with respect to the validity of the will dated 09.01.2009 executed by Harpal Singh in favour of Prince Bath son of Kuljeet Singh.

4. I do not find any illegality in impleading Jarnail Singh son of the deceased plaintiff-Sukhwinder Kaur as her legal representative and transposing him as plaintiff only to pursue the suit with respect to testing the validity of the will executed by Harpal Singh in favour of Prince Bath.

5. Thus, the present revision petition is hereby dismissed. However, the parties will be at liberty to file a separate suit with respect to validity or otherwise of the will dated 14.08.2012 executed by Sukhwinder Kaur in favour of Jarnail Singh.

16.05.2016
Vinay

[DARSHAN SINGH]
JUDGE