

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

**CR No. 620 of 2015 (O&M)
Date of decision: 15.01.2016**

Jaspal Kaur	...	Petitioner
	versus	
Balwant Kaur and others		Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Kewal Krishan, Advocate for
Mr. Premjit Kalia, Advocate for the respondents.

K.Kannan, J. (ORAL)

In a suit for specific performance brought at the instance of Pal Singh against respondent Nos. 1 to 5 his brother's son Parvinder Singh was impleaded as the legal representative of Will said to have been executed by Pal Singh. The Will appears to be in contest by persons who claim as Class-I legal heirs including the present petitioner. The petitioner and her sister Gian Kaur had moved an application, for impleadment as plaintiff. Gian Kaur withdrew the application. The Court found that there was delay in application and dismissed it.

If the person who had been brought on record already as legal representative cannot have yet another person joined as a co-plaintiff who pleads an *inter se* dispute between them then the person who seeks an impleadment cannot be brought as plaintiffs. Plaintiffs ought to be persons who have no conflict of interest among themselves while there can be any number of defendants having diverse interest. The plaintiffs shall always be heard in single voice. There was no way by which the petitioner could have come as a co-plaintiff if Parvinder Singh had any objections to the same.

Since it is stated that there is still a dispute regarding the Will in progress in an independent suit, I will not clutter an adjudication regarding the genuineness of Will to be essential for this case. The petitioner will be added as amongst the defendants and even if there is an objection taken as regards the Will, the Court will take the petitioner as representative of the estate of Pal Singh and any decree if it is passed shall be in favour of the estate of Pal Singh represented by Parvinder Singh only for the purpose of the case and adjudication regarding the Will said to have been brought in an independent suit will govern the manner of adjudication of rights amongst the legal representatives of Pal Singh.

The order already passed is set aside and modified to allow the petitioner to be added as 6th defendant in suit. The revision petitioner is ordered on the above terms.

(K.KANNAN)
JUDGE

15.01.2016
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