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

**Civil Revision No.7498 of 2016**

**Date of Decision: 09.11.2016**

**Gurmeet Kaur**

**.....Petitioner**

**Vs**

**Karamjit Kaur and others**

**.....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present:Mr. Dinesh Kumar, Advocate  
for the petitioner.

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**RAJ MOHAN SINGH, J.**

[1]. Petitioner has assailed order dated 18.10.2016 passed by Additional Civil Judge (Sr. Divn.) Dhuri vide which the application filed by the petitioner for being impleaded as plaintiff in a suit titled "*Karamjit Kaur vs. Joginder Singh and others*" was dismissed.

[2]. Brief facts are that a civil suit No.166 dated 06.10.2014 was filed by the Karamjit Kaur against her father-in-law, brothers-in-law, nephews/sons of brothers-in-law for damages on account of murder of her husband Ranjit Singh @ Jit Singh. Defendants were lodged in Central Jail, Sangrur in case bearing FIR No.234 dated 24.09.2013 under Sections 302/148/149/201

IPC. Plaintiff Karamjit Kaur filed the aforesaid suit being legal heir of deceased Ranjit Singh @ Jit Singh on account of sufferance due to his murder.

[3]. In the aforesaid suit, petitioner-Gurmeet Kaur filed an application under Order 1 Rule 10 CPC read with Section 151 CPC for being impleaded as plaintiff on the premise that, she was mother of deceased Ranjit Singh @ Jit Singh, who never executed any Will in favour of any person. It was claimed that being mother, applicant/petitioner was also entitled to damages.

[4]. The application was opposed by the plaintiff/respondent No.1 on the ground that the suit was filed by her for personal damages due to murder of her husband. If, Gurmeet Kaur (petitioner) had suffered any damages on account of murder of Ranjit Singh @ Jit Singh, she could file her independent suit in that regard. It was contended by Plaintiff/respondent No.1 that she was the author of the FIR against the defendants and had also suffered statement as witness therein. Petitioner-Gurmeet Kaur never lodged any FIR against the accused, nor appeared as witness in the criminal case. Defendants were none else, but the husband, sons and grandsons of the petitioner-Gurmeet Kaur.

[5]. It was further contended by the plaintiff/respondent

No.1 that other litigation were also pending between the parties wherein defendants were being represented by Mr. B.S. Harika, Advocate. Petitioner-Gurmeet Kaur had also moved the instant application through the same Advocate i.e. Mr. B.S. Harika. Collusion of the petitioner with the defendants is apparent. It was also contended by the plaintiff/respondent No.1 that deceased Ranjit Singh @ Jit Singh had executed a Will in her favour, which was not traced out on earlier occasion. The issues were already framed and the suit was fixed for evidence of the plaintiff.

[6]. I have heard learned counsel for the petitioner.

[7]. It is apparent that the suit for recovery was filed by plaintiff/respondent No.1 on account of murder of her husband. Defendants are the accused in the criminal case. Defendant No.1 is husband of the petitioner, whereas other defendants are sons and grandsons of the petitioner. Collusion is writ large on the face of the record. Issues were framed long back and the case was fixed for plaintiff's evidence at the time, when present application was filed.

[8]. The subject matter of the suit is not in respect of inheritance of the estate of the deceased Ranjit Singh @ Jit Singh. The murder took place on 24.09.2013. As per Article 82

of the Limitation Act, 1963, limitation to file a suit for damages under the Indian Fatal Accidents Act, 1855 is of two years from the date of death of the victim. In this way limitation would have expired on 24.09.2015. The application in question was filed by the petitioner on 05.07.2016. The petitioner could not espouse her case within the period of two years. Filing of application was patently beyond the period of limitation.

[9]. As a cumulative effect of the aforesaid facts, this Court feels that there is no error of jurisdiction in the impugned order. This revision petition is accordingly dismissed.

November 09, 2016

*Atik*

**(RAJ MOHAN SINGH)  
JUDGE**

Whether speaking/reasoned

Yes / No

Whether reportable

Yes / No