

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

Civil Revision No.8518 of 2016
Date of decision: December 16, 2016

IDBI Bank Ltd.

...Petitioner

Versus

Shehnaz (deceased) through her LRs
Md. Zahid Iqbal etc. & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Adarsh Jain, Advocate with
Ms. Neha Kakkar, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 21.09.2016, passed by the trial court, whereby application under Order 22 Rule 3 read with Section 151 CPC for impleading legal representatives of plaintiff Shehnaz, has been allowed.

Learned counsel for the petitioner has assailed the order. According to him, the right of reinstatement in service was personal right of the deceased and her legal heirs cannot claim any benefit after her death. Thus, trial court has erred in allowing the application for impleading legal heirs of the plaintiff (now deceased).

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, Shehnaz (now deceased) had filed a suit for declaration, challenging the order dated 9.10.2012, passed by defendant

No.3, whereby major penalty of removal from service of the plaintiff was imposed and remaining payment of arrears was forfeited. During pendency of suit, plaintiff Shehnaz expired and her legal representatives namely, Md. Zahid Iqbal and Zuhaib Ibrahim filed instant application seeking impleadment as plaintiffs in place of their deceased mother. A perusal of the plaint shows that plaintiff prayed for setting aside of the removal order dated 9.10.2012 being null and void as well as arrears of pay in lieu of suspension period alongwith interest @ 18% per annum and consequential benefits. In view of same, the cause of action was not purely personal in nature. In the eventuality of success of suit, legal heirs of the plaintiff can claim consequential benefits such as arrears of pay, allowances etc. The trial court, thus, rightly allowed the application. There is no infirmity with the order passed by the trial court. Besides, application was moved by the legal heirs promptly after death of the plaintiff. There is, thus, no ground to interfere in revisional jurisdiction of this court.

Dismissed.

(RAJAN GUPTA)
JUDGE

December 16, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No