

**C.M.No.2000-LPA/2015 in RA-LP-104/2013 and
C.M.No.1435-LPA/2016,
C.M.No.2131 of 2010 and
RA No.104 of 2013 in LPA No.91/1984 and
RA No.102 of 2013 in LPA No.92 of 1984**

Joginder Dutt Vs. Hans Raj and Ors.

Present: Mr. Rohit Samhotra, Advocate for the non-applicant/appellant.

Mr. Satbir Rathore, Advocate for respondent No.11.
(counsel for applicants in C.M.1435-LPA/2016).

Mr. Arun Bansal, Advocate for respondent Nos.1,17 & 18.
(counsel for applicants in C.M.No.2000-LPA/2015 &
RA No.104 of 2013).

C.M.1435-LPA/2016

This application is filed to implead legal heirs of respondent No.11, namely, Kaushalya Devi @ Kaushalya G. Rai-L.R. of Gurbax Rai (respondent No.11).

It is averred in the application that Kaushalya Devi expired on 21.09.1983 leaving behind the following legal heirs as indicated in para 2 of the application:

- “i) Anuradha Saini @ Cuckoo D/o Gurbax Rai,*
- ii) Mano Malwai D/o Gurbax Rai,*
- iii) Sona D/o Gurbax Rai,*
- iv) Duni Chand S/o Gurbax Rai”*

For the reasons stated in the application, which is supported by an affidavit of one of the legal heirs, the same is allowed subject to all just exceptions.

Amended memo of parties is taken on record. Registry to put the same at appropriate place and paginate it.

C.M.No.2131 of 2010

This application is filed under Order 22 Rule 4 read with

**C.M.No.2000-LPA/2015 in RA-LP-104/2013 and #2#
C.M.No.1435-LPA/2016 and
RA No.104 of 2013 in LPA No.91/1984 and
RA No.102 of 2013 in LPA No.92 of 1984**

Section 151 CPC for impleading the LRs of Dr. Kailash Chander Rai-respondent No.11(ii).

It is averred in the application that Dr. Kailash Chander Rai, LR of Dr. Gurbax Rai had expired on 10.11.2007 leaving behind his following legal heirs as mentioned in para 2 of the application.

“(a) Smt. Surya Kanta Rai, (Wife)

(b) Upasna (Daughter)

Both residents of H.No.22, Mohalla Railway

Mandi, Hoshiarpur, Distt Hoshiarpur, Punjab.”

For the reasons stated in the application, which is supported by an affidavit, the same is allowed subject to all just exceptions.

Registry to make necessary corrections.

C.M.No.2000-LPA/2015

This application is filed under Section 151 CPC for placing on record typed copy of the judgment dated 10.4.2012.

Application is allowed as prayed.

RA No.104 of 2013 in LPA No.91 of 1984

RA No.102 of 2013 in LPA No.92 of 1984

This order shall dispose of these two review applications filed under Order 47 Rule 1 CPC read with Section 151 CPC seeking review of common order dated 10.4.2013 on the ground that the review applicant had disputed the ownership of Bhagwan Devi on the basis of a decree (Ex.P136).

According to the review applicant, once Bhagwan Devi was given ₹60,000/- as one time settlement for her share in the property, she was not entitled to claim her share again from the same property.

**C.M.No.2000-LPA/2015 in RA-LP-104/2013 and #3#
C.M.No.1435-LPA/2016 and
RA No.104 of 2013 in LPA No.91/1984 and
RA No.102 of 2013 in LPA No.92 of 1984**

Aforesaid aspect of the matter has been thoroughly dealt with
in the order passed under review, which reads as under:

“Insofar as the suit filed by the Bhagwan Devi for maintenance against her 3 sons as Forma Paupris being not in possession of any property does not debar her of her rights in the property in dispute which has come to her by operation of law much-less the Act of 1937 and the Act of 1956. It is not the case of the respondents herein that Bhagwan Devi had relinquished her right at any point of time and the argument raised by learned counsel for the respondent that her claim was settled by virtue of payment of ₹60,000/- is not acceptable because that amount was given to her while settling the accounts of one firm and not settling the share of the parties in the property in dispute which was given to the “Aulad” of Nathu Ram from which Bhagwan Devi cannot be excluded as the word “Aulad” had been used herein in general sense which includes Bhagwan Devi as well, otherwise had it been the intention of the referees to give the property only to the sons, the word “Ladke” or “Puttar” could have been used. The Trial Court has rightly observed that the word “Aulad” had been used in general sense which includes Bhagwan Devi as well.”

In view of the aforesaid discussion, we do not find any merit in
the submissions made for the purpose of recalling of the order.

Dismissed.

**August 05, 2016
manoj**

**(Rakesh Kumar Jain)
JUDGE**

**(Jaswant Singh)
JUDGE**