

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.1020 of 2017 (O&M)
Date of decision: 25.07.2017

Raminderjeet Kaur Sandhu

... Petitioner

Vs.

Sadhu Singh (deceased) through LR and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. S.S. Rang, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 17.11.2016 (Annexure P-4) passed by the learned trial Court, whereby Smt. Dalip Kaur, widow of late Sh. Sadhu Singh was brought on record as legal representative of the plaintiff, defendant No.2 has approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

Relationship between the parties is not in dispute. During pendency of the suit, plaintiff Sh. Sadhu Singh died. One application was moved for impleadment by Rajwinder Kaur, proforma defendant No.3 and daughter of late Sh. Sadhu Singh as legal representative of the plaintiff. Another application was

moved on behalf of defendant No.2 for impleading her as legal representative of the plaintiff. Since the defendants were disputing the entitlement of each other for impleadment as legal representatives of the plaintiff, the learned trial Court did not accept either of these abovesaid two applications. While disposing of both these applications vide impugned order dated 17.11.2016, learned trial Court very rightly appointed Smt. Dalip Kaur, widow of late Sh. Sadhu Singh-plaintiff, as legal representative of the plaintiff. Having said that, this Court feels no hesitation to conclude that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

No prejudice of any kind whatsoever has been pointed out, that might have been caused to the petitioner by passing the impugned order. The learned trial Court was conscious of the fact that the defendants were trying to outsmart each other. This was the reason that the learned trial Court neither accepted the request made by the petitioner for impleading her as legal representative of the plaintiff nor the similar request made on behalf of proforma defendant No.3 was accepted for impleading as legal representative of the plaintiff. Under these circumstances, bringing on record the widow of the plaintiff, as his legal representative, by passing the impugned order would not cause any kind of prejudice to the interest of either of the parties. No fault can be found with the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order passed by the learned trial Court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order passed by the learned trial Court has been found

based on sound reasons, because of which the impugned order deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since no illegality has been found in the impugned order, the same deserves to be upheld. The revision petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, present civil revision petition stands dismissed, however, with no order as to costs.

25.07.2017
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No