

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No. 2745 of 2017 (O&M)
Date of decision: 20.4.2017**

Vinod Kumar and others

...Petitioners

Versus

Smt. Bhagwati and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Arvind Kashyap, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition filed under Article 227 of the Constitution of India, is directed against the order dated 17.2.2017 (Annexure P-6) passed by the learned trial court, whereby application of the petitioners under Order XXII Rule 5 read with Section 151 of the Code of Civil Procedure, was dismissed.

Heard learned counsel for the petitioners.

The entire case of the petitioners is based on the fact that Will executed by Smt. Kamlesh-defendant No.2 in favour Smt. Rakhi Gaur is false and fabricated. Smt. Rakhi Gaur has already been impleaded as legal representative of Smt. Kamlesh on the basis of the Will executed by her in favour of Smt. Rakhi Gaur. It is also not in dispute that the Will executed by Smt. Kamlesh has not been challenged by the petitioners before the learned court of competent jurisdiction. 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.

Further, a perusal of memo of parties of the present revision petition would show that Smt. Rakhi Gaur, who has been impleaded as legal representative of Smt. Kamlesh-defendant No.2, has not even been impleaded as party-respondent before this Court.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned orders, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

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 present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

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

20.4.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No