

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

(139)

CR-3025-2017

Decided on: July 11, 2017.

Sunil Kumar

.... Petitioner

Versus

General Public and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Madan Lal, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

This is a revision petition against the order dated 06.02.2017, dismissing the application for withdrawal of the petition for succession under Section 372 of the Indian Succession Act, 1926 qua respondents No. 2 and 3. Respondent No.2 is Haryana Financial Corporation and respondent No.3 is the State Bank of India, Hisar. Respondent No.1 is General Public. General Public has been proceeded against ex parte. Statement on behalf of respondent No.2 has been given to the effect that no written statement is to be filed. Written statement on behalf of respondent No.3 has already been filed.

Learned counsel for the petitioner submits that in view of the officials of the respondents having expressed their readiness to come forward before the Court as witness, the petitioner wants respondents No. 2 and 3 to be excluded from the array of the respondents.

I have heard learned counsel for the petitioner and gone through the facts and circumstances of the case.

Petitioner claims that Charanjit Singh, employed with Haryana Financial Corporation had expired on 13.10.2015. Petitioner has sought

succession certificate in context to the gratuity, ex gratia, leave encashment, general provident fund in respect of Charanjit Singh which are required to be disclosed by respondent No.2.

Learned counsel for the petitioner submits that since respondent No.1 is already ex parte and respondent No.2 has opted not to file written statement and respondent No.3 has promised to help the petitioner by producing relevant material in the Court, the names of respondents No. 2 and 3 be deleted.

No doubt, the petitioner-plaintiff is always dominus litus of the case filed by him but in case the presence of a party is necessary for the just decision of the case, it is always open to the Court to delete or add any party as per authority vested in the Court under Order 1 Rule 10 (2) CPC.

So far as the ground, on the basis of which, the petitioner wants to withdraw the petition qua respondents No.2 and 3, is concerned, nobody will be left to bring the true facts to the knowledge of the Court. Respondents No. 2 and 3 are necessary party having close connection with the assets of the deceased regarding which succession is sought and the Court has rightly declined the prayer of the petitioner to withdraw the petition qua respondents No.2 and 3. Respondents No. 2 and 3 in the capacity as respondents can also bring the relevant record to the notice of the Court to enable the Court to arrive at just conclusion and to grant the relief sought for by the petitioner.

The petition is dismissed.

July 11, 2017
harsha

(M.M.S. BEDI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No