

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

CR No.8683 of 2015 (O & M)
Date of decision :10.10.2017

Sudarshan Kaur and another

...Petitioners

Versus

Balbir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bikramjit Aroura, Advocate
for the petitioners.

ANIL KSHETARPAL, J. (Oral)

Widowed daughter-in-law and grand-daughter of Late Sh. Bachan Singh filed an application under Order 1 Rule 10 CPC for being impleaded as a party defendant in a suit filed by the plaintiffs, who are sons of Late Sh. Bachan Singh for recovery of mesne profit against defendants.

It is not in dispute that in a separate litigation learned Civil Court has held that different Wills (testamentary documents) set up by the different parties are not proved and the property of Late Sh. Bachan Singh would be inherited by natural succession. The appeal against the aforesaid judgment is pending before the Court.

The present suit is for recovery of mesne profit with respect to the property owned by late Shri Bachan Singh at one point of time. In this suit, learned trial Court has framed issue No.2, which is extracted as under:-

“2. Whether Bachan Singh executed a legal and valid will dated 22.11.2006 in favour of defendants as alleged in the written statement?OPD”

Petitioners claimed that if any finding is given in absence of the petitioners on this issue, that would adversely affect their interest in the other litigation, which is now pending in the appeal.

Still further, as per the judgment passed by the Court on 16.12.2016 all the class-I heirs of Late Sh. Bachan Singh would be entitled to inherit the property of Bachan Singh, which would include petitioners also.

Keeping in view, the aforesaid fact, petitioners are impleaded as defendants in the suit. They would be entitled to file their pleadings and lead evidence. The order passed by the learned Civil Judge dismissing the application is set aside.

Hence, this revision is allowed.

10.10.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes
Whether Reportable : No