

CRM-M-13807-2015

[1]

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

(Sr. No.281)

CRM-M-13807-2015

Date of Decision:-14.02.2017

Saroj Kumari @ Saroj Goel

.....Petitioner

V/S

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Mukesh Kumar Bhatnagar, Advocate,
for the petitioner.

Mr. Surender Singh, AAG Haryana.

A.B. Chaudhari, J. (Oral)

This petition is directed against the order dated December 23, 2014, passed by learned Additional Sessions Judge, Kaithal in revision rejecting the application filed by the petitioner-Saroj Kumari for her addition as a party respondent to the revisional proceedings arising out of proceedings under Section 145 Cr.P.C. registered with the SDM/SDO (Civil) Kaithal. The revision arises out of the interim order made by the SDM/SDO (Civil) Kaithal. This Court had stayed the final judgment of the revisional Court.

Learned counsel for the petitioner-Saroj Kumari relied on sub Section 7 of Section 145 of the Criminal Procedure Code to buttress his point that Saroj Kumari is the necessary party being the legal heir of Raghubir Singh her father alongwith her brothers Ramesh Chand and Kailash Chand who are involved in the litigation. However, sub Section 7 of Section 145 of Cr.P.C. speaks of the legal heirs of party to such proceedings i.e. under Section 145 of Cr.P.C. proceedings. The reason is obvious that in

proceedings under Section 145 of Cr.P.C. are of summary nature and do not decide the civil rights of the parties. The dispute was amongst Ramesh Chand and Kailash Chand and admittedly petitioner-Saroj Kumari and Meenakshi were not in the dispute which was ultimately brought before the SDM/SDO (Civil) Kaithal under Section 145 Cr.P.C.

Learned counsel for the petitioner states that Meenakshi has been added as a party by the revisional Court and, therefore, on the ground of parity she should also be added as a party. I do not agree. In my opinion, there was no need to add Meenakshi as a party to the revision petition, since she was not a legal heir within the meaning of sub Section 7 of Section 145 Cr.P.C. This Court would not repeat the mistake committed by learned revisional Court by adding petitioner as a party. At any rate, petitioner is not entitled to be made party in the revisional proceedings in the absence of any dispute between her and those who were already party before the SDM/SDO (Civil) Kaithal.

Learned counsel for the petitioner submits that she is admittedly the legal heir of Raghubir Singh the father of Ramesh Chand and Kailash Chand and, therefore, her rights as legal heir cannot be taken away. It is true that she being the legal heir of her father, her rights cannot be taken away, but her rights can be agitated only in the civil proceedings wherein her rights, if any, as a legal heir of her father would be decided according to law. For the present, in the light of the recent decision of the Apex Court it is highly doubtful whether the sisters in the present case would be able to claim any right over the property left by Raghubir Singh, since he had died on 23 January, 1993 i.e. much before September 9, 2005 when the amendment to Section 6 of the Hindu Succession Act came into

force.

In the result, there is no merit in the present petition. The same is dismissed.

Revisional Court to decide the revision within three months from the date of receipt of certified copy of this order.

February 14, 2017

Pankaj

(A.B. Chaudhari)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No