

**CM No.16082 of 2017 in/and
CWP No.23325 of 2017**

Ankur Goyal
2018.02.05 11:18
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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.114

**CM No.16082 of 2017 in/and
CWP No.23325 of 2017
DECIDED ON: November 08, 2017**

TARAVATI

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rahish Pahwa, Advocate,
for the applicant-petitioner.

JASPAL SINGH, J.

CM No.16082 of 2017

By virtue of the instant application under Order 1 Rule 10 CPC, petitioner has sought the impleadment of other legal heirs of deceased Suresh Kumar as party respondents in the instant petition.

2. As per version of the learned counsel for the applicant, Kavita, Kirti and Divya alleged widow and daughters are the only other legal heirs of deceased Suresh Kumar, whereas petitioner-Taravati has claimed herself to be the mother.

3. Here it would be pertinent to mention that previously without disclosing the legal or natural heirs of deceased Suresh Kumar properly, one Asha Rani claiming herself to be widow of deceased Suresh Kumar filed

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Civil Writ Petition No.16679 of 2017, which was disposed of by this Court on July 31, 2017 directing the disposal of the show cause notice. Thereafter, Kirti and others filed another Civil Writ Petition No.17417 of 2017, which was decided on August 08, 2017 with a direction to the respondents to consider their representation. Now, instant writ petition has been filed by Smt. Taravati claiming herself to be the legal heir of deceased Suresh Kumar being mother. Thus, there are disputed facts even with regard to heirship of deceased Suresh Kumar and the benefits accrued on account of unfortunate demise of Suresh Kumar are to be disbursed. Since, the controversy involved in the instant petition is required to be set at rest on the basis of the evidence to be led by the parties or the alleged legal heirs of deceased Suresh Kumar, instant application is not maintainable. Since, there is serious dispute amongst the LR's of the deceased Suresh Kumar, the proper forum is the Civil Court to get the issue with regard to the heirship or succession of deceased Suresh Kumar settle.

CWP No.23325 of 2017

In view of aforesaid order passed in CM No.16082 of 2017, instant petition is dismissed.

No order as to costs.

The petitioner as well as the other alleged LR's of the deceased Suresh Kumar shall be at liberty to approach this Court.

November 08, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**