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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4067 of 2017 (O/M)
Date of decision : 22.3.2018

Kavita Devi and another Petitioners

Versus

Savitri Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Lakhwinder Singh, Advocate,
for petitioners.

Mr. Atul Lakhanpal, Senior Advocate, with,
Mr. Gagandeep Singh, Advocate,
for respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Heard.

Impugned in present revision is order dated 17.4.2017 (Annexure-P-4), passed by the learned Additional Civil Judge (Senior Division), Fatehabad, vide which Sushil, son of defendant Savitri has been brought on record as her LR on the basis of Will dated 27.7.1999.

It comes out that suit is for declaration filed by Kavita Rani, wife of pre deceased son of defendant as well as Ajay Kumar son of pre deceased Vinod Kumar. During the pendency of suit, Smt. Savitri Devi died and his son Sushil filed an application to be impleaded as legal heir on the basis of Will dated 27.7.1999. It was opposed mainly on the ground that Sushil was tried for the murder of his brother Vinod. However, he is acquitted and appeal is pending.

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I am of the view that this itself is no ground to dismiss the application. Sushil otherwise is class-I heir of Savitri. Therefore, even in the absence of Will, he can represent his deceased mother as her LR only i.e. to represent the deceased. This act of representing does not create any vested right in favour of legal heir. Any dispute regarding ownership is to be decided separately between the legal heirs. As such, there is no illegality or infirmity in the impugned order. Consequently, petition is dismissed. Since main petition has been dismissed, therefore, pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

22.3.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No