

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

Civil Revision No.6397 of 2017.

Decided on:-February 27, 2018.

Rajbir Singh.

.....Petitioner.

Versus

Gurdev Singh (since deceased) through his LRs

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. R.S. Mamli, Advocate for the petitioner.

Mr. G.C. Shahpuri, Advocate for the respondents.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present revision petition under Article 227 of the Constitution of India impugning the order dated 02.05.2017 (Annexure P-1) passed by learned Civil Judge (Senior Division), Jagadhri, whereby the application for impleading the legal heirs of decree holder Gurdev Singh, was allowed and while impleading the legal heirs, the amended title was also taken on record.

Learned counsel for the petitioner has argued that respondent-plaintiff Gurdev Singh had filed a suit for specific performance on the basis of agreement to sell dated 01.05.2014 for the land measuring 26 Kanal 3 Marlas. But in that suit, the petitioner was proceeded *ex parte*. The suit was decreed on 12.07.2016.

He has further argued that after the death of Gurdev Singh, his legal heirs have not brought on record anything to show that they are the legal

heirs of Gurdev Singh. Even no material has been placed on record to prove the death of decree holder Gurdev Singh.

On the other hand, learned counsel for the respondents has produced a copy of order dated 09.09.2017 passed by learned Civil Judge (Senior Division), Jagadhri, which shows that the respondents have filed copy of death certificate of decree holder Gurdev Singh as well as copy of ration card showing that the respondents therein as legal heirs of decree holder Gurdev Singh.

I have heard learned counsel for the parties.

Considering the fact that vide order dated 09.09.2017 passed by learned civil Court, the respondents have placed on record the relevant material i.e. the copy of death certificate of decree holder Gurdev Singh as well as the copy of ration card showing that the respondents are the widow and minor son of decree holder Gurdev Singh, this Court finds that no interference is warranted in the impugned order dated 02.05.2017 passed by learned civil Court.

Accordingly, the impugned order dated 02.05.2017 (Annexure P-1) passed by learned Civil Judge (Senior Division), Jagadhri is affirmed and the instant civil revision, being devoid of any merit, is dismissed.

February 27, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No