

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

CR No.7778 of 2011

Date of Decision:21.02.2018

Bimla and another

...Petitioners

Versus

Madhu Bala and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.R.S.Chauhan, Advocate for the petitioners.
None for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Petitioners before this Court are sisters of late Dr.Kishori Lal. They have challenged the order dated 5.8.2011 passed by the learned Additional District Judge, Gurdaspur.

It is not in dispute that the petitioners are not party to the proceedings pending before the learned Additional District Judge in the case titled as 'Dr.Kishori Lal Vs. Madhu Bala'. When Dr.Kishori Lal was alive, he filed a petition seeking divorce from his wife Madhu Bala. An ex parte decree dated 25.9.2002 was passed. Since Dr.Kishori Lal had died, therefore, an application was filed for bringing on record the legal representatives of Dr.Kishori Lal. Smt.Swati was impleaded as legal heir, being daughter. After appearance, Smt.Swati suffered a statement in the court that she does not have any objection to setting aside the ex parte

decree. She further suffered a statement that she does not want to prosecute the main petition for divorce.

The court accordingly after setting aside the ex parte decree, dismissed the petition as the legal heir of the petitioner had made a statement that she does not want to proceed with the case.

The sisters of Dr.Kishori Lal have filed the present revision petition, challenging the aforesaid order.

I have heard the learned counsel for the petitioners at length and with his able assistance gone through the documents filed.

Learned counsel for the petitioners has submitted that a separate proceedings are pending to decide the entitlement of the petitioners with respect to retiral benefits, therefore, the petitioners should have been brought on record as legal heir of Dr.Kishori Lal. He has further submitted that hence the petitioners have locus standi to challenge the order.

In the considered opinion of this Court, the petitioners do not have any locus standi. Late Dr.Kishori Lal had left behind two Class-I heirs namely Madhu Bala and Swati. Since Madhu Bala was already respondent in the main case, therefore, Swati was impleaded as legal heir. Hence, Swati stepped into the shoes of late Dr.Kishori Lal. After appearance, she suffered a statement for setting aside ex parte decree and thereafter withdrew the main petition. Petitioners do not have any right to be impleaded as legal heirs of Dr.Kishori Lal in the divorce petition.

In view thereof, there is no good ground to interfere in the impugned order passed by the learned trial court. The present revision petition is dismissed.

21.02.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No