

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.7179 of 2017

Date of Decision: February 28, 2018

Sheela Devi (now deceased) through her L.R.Kamal Verma

...Petitioner

Versus

Smt.Neelam Verma

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.Sudhir Paruthi, Advocate,
for the petitioner.

Mr.Ajayvir Singh, Advocate,
for the respondent.

AMIT RAWAL, J. (Oral)

The present revision petition is directed against the order dated 10.3.2017, whereby the application moved under Order 22 Rule 3 of the Civil Procedure Code for impleadment on demise of Sheela Devi plaintiff, had been allowed by allowing all the L.Rs, including defendant Neelam Verma, to be brought on record as her legal representatives.

Mr.Sudhir Paruthi, learned counsel appearing on behalf of the petitioner submits that Sheela Devi, on her demise, had left the following legal representatives:-

- a) Smt.Ramesh Bagga (daughter)
- b) Smt.Kanta Devi (daughter)
- c) Smt.Neelam (daughter); and
- d) Kamal Verma (son).

He submits that all the legal representatives except the

defendant should not be allowed to be impleaded as plaintiffs, for, with the defendant, Sheela Devi had clash of interest.

Mr.Ajayvir Singh, learned counsel appearing on behalf of the respondent-defendant submits that the application under Order 22 Rule 3 CPC was only confined for impleadment of Kamal Verma and Kanta Devi and not two others. Since the deceased had died intestate, all the legal representations are required to be impleaded. The order is perfectly legal and justified and does not call for any interference.

I have heard the learned counsel for the parties, appraised the paper book and of the view that the order under challenge is liable to be modified to the extent that all the legal representatives, as noticed above, except Neelam Verma should be allowed to be impleaded as L.Rs of Sheela Devi as Neelam Verma defendant with whom there was a clash of interest could not be impleaded as legal heirs of plaintiff. The Court below had not taken note of the aforementioned fact.

Therefore, the order under challenge is modified with the aforementioned modification. Revision petition stands disposed of.

February 28, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No