

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

**CR No.8249 of 2016
Date of Decision:27.04.2018**

Anupama Bhardwaj

...Petitioner

Versus

General Public and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Pankaj Bhardwaj, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Petitioner-plaintiff is aggrieved of an order passed by the learned Additional Civil Judge (Sr. Division), Chandigarh dated 7.10.2016, allowing an application under Order 1 Rule 10 of the Code of Civil Procedure and impleading M/s P.D. Hotels Pvt. Limited as party respondent.

Petitioner had filed an application under Section 372 of the Indian Succession Act, 1922, ('the Act' for short) praying for issuance of Succession Certificate. In those proceedings, M/s P.D. Hotels Pvt. Limited moved an application for being added as party on the ground that though the Company is not beneficiary under the Will but is a proper party, in terms of award passed by the Permanent Lok Adalat dated 27.2.2012. The application has been allowed by the court, while noticing that applicant, i.e. M/s P.D. Hotels Pvt. Limited would be directly affected with the decision of the Court on the Succession Certificate.

Learned counsel for the petitioner has vehemently argued that as per the Will executed by Late Shri Avinash Grover, movable property

was bequeathed in favour of the petitioner, whereas immovable property was distributed. He submits that the applicant-respondent is not necessary party and applicant-respondent can file a separate suit.

A reading of the order shows that there was an award passed by the Permanent Lok Adalat in favour of M/s P.D. Hotels Pvt. Limited. The award was passed, while settling the dispute between the parties. Hence, in the considered opinion of this Court, learned trial court has not committed any error in permitting M/s P.D. Hotels Pvt. Limited to be added as party. Learned counsel for the petitioner could not prove before this Court that any prejudice would be caused by impleading applicant-respondent as party respondent. Learned counsel for the petitioner in the end has submitted that since the petition under Section 372 of the Act is pending before the trial court for the last four years, the learned trial court be directed to expeditiously decide the petition.

The request made by the learned counsel for the petitioner is genuine, hence it is accepted.

While dismissing the revision petition, the learned trial court is requested to expeditiously dispose of the petition under Section 372 of the Act preferably within a period of nine months from the date of receipt of a certified copy of this order.

The present Civil Revision Petition is dismissed, accordingly.

27.04.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No