

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28674 of 2017 (O&M)

Date of Decision: 21.09.2018

Sanjiv Kumar and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Thind, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

None for respondent no. 2.

SURINDER GUPTA, J.(Oral)

Petitioners have sought quashing of order dated 10.03.2017 passed by Judicial Magistrate, Ist Class, Ludhiana, whereby respondent no. 2-Kashmiri Lal son of complainant-Hari Chand was allowed to be substituted in place of his father, who has died.

Learned counsel for petitioners submits that before his death Hari Chand had disinherited his sons by giving publication in the newspaper and also through affidavit, copy of which has been placed on file as Annexures P-4 and P-5

The complaint was filed by Hari Chand, who has died during pendency of the appeal. Respondent no. 2-Kashmiri Lal is son of Hari Chand and has sought permission to continue with the complaint after his death.

This submission of learned counsel for petitioners that Hari Chand during his life time had disinherited his sons including Kashmiri Lal

from inheriting his moveable and immovable properties is no reason to decline permission to Kashmiri Lal to continue with the complaint. Being Legal heir of Hari Chand, he is competent to seek permission to pursue complaint filed by Hari Chand and the trial Court has committed no error while allowing this permission.

This petition has no merit and the same is dismissed.

(SURINDER GUPTA)
JUDGE

September 21, 2018
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Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***