

In the High Court for the States of Punjab and Haryana at Chandigarh

C.R. No. 1851 of 2016 (O&M)
Date of Decision: March 08, 2019

Devender Kumar Vasisht and another

... Petitioners

Versus

Krishan Kumar Vasisht

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Junaid Singh Bakshi, Advocate,
for Mr. Aditya Jain, Advocate,
for the petitioners.

Mr. Sudhir Aggarwal, Advocate,
for the respondent.

Amit Rawal, J. (Oral)

Present revision petition is directed against the impugned order dated 12.01.2016 (Annexure P/1) whereby in a suit titled as “Devender Kumar Vasisht and Hemant Vasisht vs. Krishan Kumar Vasisht”, filed by the petitioners-plaintiffs, challenging the registered Will by Ganga Sarup Vasisht, the father of the parties, the application of the respondent for impleading all legal heirs of Sh. Ganga Sarup Vasisht has been allowed.

Mr. Junaid Singh Bakshi, learned counsel, appearing on behalf of the petitioners, submitted the beneficiary of the impugned Will dated 30.05.2013 is none-else, but the defendant – Krishan Kumar Vasisht. Even if the plaintiffs had claimed the devolution on the basis of natural succession on premise that Ganga Sarup Vasisht died intestate, prayer for impleading the other legal heirs is determined for the time being, the Will

propounded by the defendant is under challenge and there was no necessity for impleading them. The order under challenge is not sustainable.

Mr. Sudhir Aggarwal, learned counsel, appearing on behalf of the respondent, submitted that in view of specific prayer in the plaint, legal heirs of Ganga Sarup Vasisht, which are 7 (seven) in numbers, are required to be impleaded and the suit was liable to be dismissed and urging this Court for dismissal of the revision petition.

I have heard learned counsel for the parties and appraised the paper-book and of the view that there is force and merits in the submissions of learned counsel for the petitioners.

I am of the view that once the Will is itself in dispute, the beneficiary is none-else but the defendant. There is no necessity to implead all the legal heirs. If, at all, aggrieved, they have an independent remedy by filing separate application. The defendant cannot be permitted to espouse the cause by moving the application for impleadment. The order under challenge is not sustainable.

In view of above, impugned order is hereby set aside. Revision petition stands allowed.

March 08, 2019
vkd

(Amit Rawal)
Judge

Whether reasoned / speaking : Yes

Whether reportable : No