

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

**CR No.4961 of 2018(O&M)
Date of Decision:02.09.2019**

**Vijeta Arora and others
Versus**

.....Petitioners

Bharat Bhushan and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Amardeep Singh, Advocate
for the petitioners.

Mr. N.S. Dandiwal, Advocate
for respondents No.1 and 2.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioners have assailed the order dated 18.05.2018 passed by Civil Judge (Senior Division), Moga, vide which the application filed by the petitioners for substituting the LRs of Bal Kishan (deceased) was dismissed.

[2]. Bal Kishan died on 29.11.2016, leaving behind Neelam Rani (widow) and Shriya Sharma (daughter) as his legal heirs/representatives who have succeeded his estate. Two more suits were pending before the trial Court. Civil Suit No.555 of 2013 was pending before Civil Judge (Junior Division), Moga wherein Bal Kishan was plaintiff No.3. Legal representatives of Bal Kishan were ordered to be brought on record for the

purpose of pursuing the litigation vide order dated 13.12.2016. Similarly in Civil Suit No.554 of 2013. legal representatives of Bal Kishan (plaintiff No.3) were ordered to be brought on record vide order dated 13.12.2016. Both the aforesaid suits were pending before the same Court. Third suit i.e. present suit in question, the application was resisted by the defendants themselves by filing an evasive reply.

[3]. In view of Order 22 Rule 2-A CPC, every Advocate appearing in a case who becomes aware of the death of the party to the litigation must give information about the death of that party to the Court and to the person who is *dominus litis* (plaintiff).

[4]. In the instant case, an application was filed by the plaintiff for impleading legal representatives of deceased defendant No.2 Bal Kishan.

[5]. The application has been rejected on the ground that in view of Order 22 Rule 2-B CPC, it was the duty of the legal representatives themselves to come on record.

[6]. Keeping in view the status of the third suit, it would be just and appropriate to read Order 22 Rule 2-A and Order 22 Rule 2-B in a harmonious way, so as to allow the legal representatives of deceased Bal Kishan to be brought on record for a limited purpose of pursuing the litigation. No prejudice shall

be caused to the defendant, rather onerous duty cast by the statute in terms of Order 22 Rule 2-B would be satisfied that too, at the instance of the plaintiff in view of requirement of Order 22 Rule 2-A CPC.

[7]. For the reasons recorded hereinabove, I deem it appropriate to set aside the impugned order. Consequently, this revision petition is allowed. Normal consequences to follow.

September 02, 2019
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No