

CR No.879 of 2018

{1}

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

CR No.879 of 2018

Date of decision:12.04.2019

Sukhjit Singh

... Petitioner

Vs.

Paramjit Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Kewal Krishan, Advocate for
Mr. Premjit Kalia, Advocate
for respondent no.1.

AMIT RAWAL J. (Oral)

The present revision petition is directed against the impugned order dated 15.09.2017 (Annexure P-6) whereby an application under Order 22 Rule 4 of Code of Civil Procedure for impleading legal representatives of deceased Tara Singh- respondent No.1, has been dismissed.

Mr.Veneet Sharma, learned counsel for the petitioner submitted that application for bringing on record the legal representatives of Tara Singh was moved as Sukhjit Singh alongwith other persons were the legal representatives as essential and necessary for adjudication of the lis but the trial Court erroneously dismissed the application on the premise that in the previous application moved by the plaintiff for impleadment, only Sukhjit Singh was impleaded, though it was disclosed that there were other legal

heirs. Since it is a decree for possession, in the absence of impleadment of other legal heirs, there may be technical defects in execution of the decree, rather it is in the interest of the decree-holder.

Per contra, Mr. Kewal Krishan, learned counsel for respondent no.1 submitted that no other legal heirs of Tara Singh were brought on record. It is an attempt to delay the execution of the decree. The estate of deceased can also be represented by only one legal representative and thus, urged this Court for dismissal of the petition.

I have heard the learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions of Mr.Veneet Sharma.

The law with regard to impleadment is no longer *res integra* in view of the ratio decidendi culled out by the Hon'ble Division Bench of this Court in **Sardara Singh and another vs. Harbhajan Singh and others** 1974 PLJ 341. Once in the previous application, Sukhjit Singh did not insist for impleadment of others, attempt is apparently to delay the adjudication proceedings. No ground for interference is made out, much less the order cannot be said to be suffering from illegality and perversity.

Resultantly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

April 12, 2019

savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No