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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CM-4737-CII-2019 in/and  
CR-1379-2019  
Date of Decision: July 04, 2019

Kim Infrastructures and Developers Ltd.

.....Petitioner

Versus

M/s K.B.Machine & Factory situated at Sultanwind Road near new Amritsar  
Gate, Amritsar through its partner Gian Singh and others

.....Respondents

**CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR**

Present: Mr.Prateek Sodhi, Advocate  
for the petitioner.

Mr.Veneet Sharma, Advocate  
for the respondents.

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**NIRMALJIT KAUR, J. (ORAL)**

**CM-4737-CII-2019**

Application for exemption is allowed, as prayed for.

**CR-1379-2019**

This present civil revision petition is filed against the order dated 07.01.2019 vide which application of the petitioner under Order 11 Rule 1 read with Rules 12 & 14 alongwith Section 151 CPC was dismissed. Learned counsel for the petitioner while praying for setting aside the said order also prays for a further direction that the respondents be directed to provide information as requested by the petitioner and to incorporate that the property was free from all encumbrances in the sale-deed, contended that there are other legal heirs including daughter of the deceased, who was

refusal of the respondents to such a request of the petitioner shows illegal and *mala fide* conduct. There is nothing as to why the respondents should shy away from disclosing the names of legal heirs of respondent No.2 as also with respect to any litigation qua the suit property to avoid any fraud and prejudice to the petitioner.

Learned counsel for the respondents, on the other hand, has pointed out that the application for impleading them as legal heirs was allowed. The petitioner never challenged the same. Hence, once a decree has been passed, all the parties would be bound by the same in view of the judgment rendered in the case of N.K.Mohd.Sulaiman Sahib vs N.C.Mohd.Ismail Saheb and others, 1966(1) SCR 937. It was further expressed that the petitioner is insisting on the application for disclosing names of other legal heirs only to delay the matter as he is not in a position to pay the balance amount of almost ₹5.00 crores.

Heard.

Although this Court is not in agreement with the respondents for failing to disclose names of the other legal heirs or at least place on record the no objection(s) of the other legal heirs for execution of the sale-deed at their behest, the fact remains that the respondents have moved an application for passing the decree in favour of the petitioner, which is still pending. It goes without saying that the petitioner will be at liberty to raise all the pleas raised before this Court in the said application including its apprehension that execution of sale-deed in terms of any such decree in the absence of other LRs will lead to frivolous litigation in future and filing of cases by the other legal heirs.

Learned counsel for the respondents too has no objection if the petitioner is allowed to raise all the objections before the trial Court in the said application, to be considered in accordance with law and also has no objection to the issuance of a direction that the observations made in the order dated 07.01.2019 shall not come in the way of the trial Court in deciding the said application moved by the respondents.

In view of the above, the revision petition is disposed of with liberty to the petitioner to raise all the pleas before the trial Court in the said application which shall be decided by the concerned Court in accordance with law.

**July 04, 2019**  
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**( NIRMALJIT KAUR )**  
**JUDGE**

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|---------------------------------------|---------------|
| <b>1. Whether speaking/reasoned ?</b> | <b>Yes/No</b> |
| <b>2. Whether reportable ?</b>        | <b>Yes/No</b> |