

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 2429 of 2019
Date of decision: 2.5.2019

Bali Khan and others

.. Petitioners

v.

Manjit Kaur (deceased) through LR's and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ghulam Nabi Malik, Advocate for the petitioners.

...

AVNEESH JHINGAN, J. (Oral)

The present revision petition has been filed being aggrieved of the order dated 5.1.2019 passed by Additional Civil Judge (Senior Division), Payal (hereinafter described as 'Civil Court') allowing the application for impleading the legal heirs of respondent No. 1-plaintiff.

The facts are summarised that Manjit Kaur filed a suit for recovery of damages of ₹52,00,000/- by way of compensation for the injuries caused to Sahijpal Singh resulting to his death. During the pendency of the suit, Manjit Kaur expired. An application was moved by her legal heirs for impleading them being necessary party. The application was allowed rejecting the objection taken by the petitioners that after the death of Manjit Kaur, no cause of action survives.

After arguing for some time, learned counsel for the petitioners restricts his prayer that the Civil Court while allowing the application has

made certain observations that cause of action still survives, the said

observations would affect decision of the suit.

The apprehension raised is by learned counsel for the petitioners is not well founded. The observation made was only a passing reference and the issue with regard to cause of action has not been decided. Needless to add that the petitioners can raise the issue of survival of cause of action at an appropriate stage in accordance with law and the same would be decided by the Civil Court as per law without being influenced by the observations made in order dated 5.1.2019.

The revision petition is disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

2.5.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No