

104

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

CM No. 5942-43-C of 2019 in/and
RSA No. 2549 of 1999 (O&M)
Date of Decision: 09.05.2019

Saraj and others

-Appellants

Vs

Smt. Preeto and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajinder Singh Aulakh, Advocate,
for the appellants.

Mr. Sarju Puri, Advocate,
for respondent No.2.

RAJ MOHAN SINGH, J. (ORAL)

CM-5942-C-2019

Prayer in this application is for bringing on record legal representative of deceased-respondent No.1 Preeto who has died on 05.08.2016, during pendency of the appeal.

Preeto was legally wedded wife of the applicant-respondent No.2.

Applicant suffered a decree in favour of the appellants who are sons from his alleged second wife. The said decree was successfully assailed by Preeto in both the Courts below.

Now, Preeto has died issueless.

There is none to succeed her estate, except the applicant, who happens to be the husband of Preeto as there was no divorce between them.

This application has been filed by respondent No.2 himself.

Learned counsel for the appellants has no objection to the aforesaid impleadment of applicant-respondent No.2 as legal representative of deceased-respondent No.1 Preeto.

For the reasons mentioned in the application, the same is allowed and legal representative of deceased-respondent No.1 is ordered to be brought on record, subject to just exception.

Amended memorandum of parties is also taken on record.

CM-5943-C-2019

Prayer in this application is for disposal of the appeal in the light of subsequent events.

Admittedly, deceased-Preeto was legally wedded wife of respondent No.2. Respondent No.2 was having live in relationship with the mother of the appellants. Respondent No.2 suffered a decree in favour of the appellants which was successfully assailed by Preeto in both the Courts below.

Feeling aggrieved against the aforesaid decrees, the RSA in question came to be filed by the appellants.

During pendency of the appeal, Preeto has died. She was having no issue. Respondent No.2 is the only legal representative being husband, who will succeed the estate of Preeto. Respondent No.2 has been brought on record as legal representative of Preeto vide order of the even date.

Respondent No.2 has moved this application for disposal of the appeal.

In the light of aforesaid subsequent facts/events, respondent No.2 has no objection in case the appeal is allowed in favour of the appellants and decree dated 08.09.1989 is upheld.

In view of above, the main appeal is taken up today.

Main case

Since the parties are not at issue, therefore, the appeal is accepted, in view of consensus between the parties.

Normal consequences to follow.

09.05.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

- | | | | |
|----|---------------------------|---|--------|
| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |