

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1992-2015 (O&M)

Date of decision: 19.08.2019

Manpreet Kaur and another

...Appellants

V/s.

Lalit Kumar and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Yashjot S. Dhaliwal, Advocate for
Mr. K.S. Dhaliwal, Advocate for the appellants.

Mr. Ankit Aggarwal, Advocate for respondent No. 1.

RITU BAHRI, J. (Oral).

The claimants have come up in appeal against the award of the Tribunal dated 11.09.2014 whereby the claim petition has been dismissed on the ground that the claimants had not impleaded the children as legal heirs of the deceased Harbhajan Singh and his first wife Beant Kaur who had died in a road accident which took place on 28.02.2012.

In para 17 of the award, the Tribunal has observed that claimant Manpreet Kaur had admitted in her cross-examination that first wife Beant Kaur had expired. It is further mentioned that there were three children namely Ramandeep Kaur, Amandeep Kaur and Gurmeet Singh who were borne out of the wedlock of the deceased Harbhajan Singh and deceased Beant Kaur. Her statement was recorded on 10.12.2013. The claim petition was dismissed on the ground that a wrong declaration had been given by the claimant that they were the only legal heirs of the deceased Harbhajan Singh.

Learned counsel for the appellants has referred to the provisions of Order 1 Rule 10 Sub Rule (2) CPC which provides that the

Court may at any stage of the proceedings, order the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit.

I have heard learned counsel for the appellants. Keeping in view finding on para No. 17 of the award that the claimant had herself admitted in her cross-examination that there were three children namely Ramandeep Kaur, Amandeep Kaur and Gurmeet Singh who were borne out of the wedlock of the deceased Harbhajan Singh and deceased Beant Kaur. The Tribunal under Order 1 Rule 10 Sub Rule (2) CPC could have impleaded the legal heirs of the deceased as necessary party and proceeded with the claim petition.

Appeal is allowed and the order dated 11.09.2014 is being set aside. The matter is being remanded back to the Tribunal to implead Ramandeep Kaur, Amandeep Kaur and Gurmeet Singh as necessary party in the claim petition whose addresses are given in the amended memo of parties and thereafter decide the claim petition on merits.

Since the main case is allowed, pending application also stands allowed.

19.08.2019
Divyanshi

(RITU BAHRI)
JUDGE

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