

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1931 of 2014 (O&M)
Date of decision: 27.09.2022

**Brahm Giani Sant Baba Avtar Singh Ji
Charitable Society**

..Petitioner

Versus

Kuldeep Singh and others

..Respondents

CR-4068 of 2014 (O&M)

Kulwant Singh

...Petitioner

Versus

Kuldeep Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashwani Kumar Chopra, Sr. Advocate, with
Mr. Brahmjot Singh Nahar, Advocate
for the petitioner (in CR-4068 of 2014)
for respondent no.2 (in CR-1931 of 2014)

Mr. Mandeep S.Bedi, Sr. Advocate, with
Ms.Gagandeep Kaur, Advocate
for the petitioner (in CR-1931 of 2014)
for respondent no.5 (in CR-4068-2014)

Mr. Vipin Mahajan, Advocate
for respondent no.1

ANIL KSHETARPAL, J(Oral)

The dispute in these two revision petitions is with regard to bringing on record the legal representatives of late Sant Avtar Singh, who had filed a suit for injunction as well as possession, in which the suit for possession was decreed, whereas the counter claim filed by the defendant was dismissed.

Two first appeals against the judgment passed by the trial Court are stated to be pending. During the pendency of the first appeals, late Sant

Avtar Singh died.

On an application filed by Sh. Kulwant Singh before the First Appellate Court, he was brought on record as legal representative of late Sant Avtar Singh, on 05.02.2009.

There was another application moved in a revision petition to bring on record Sant Baba Avtar Singh Ji Charitable Society (Registered) as the legal representative. In those proceedings, an enquiry was ordered and the Judicial Officer held that neither Sh. Kulwant Singh nor Sant Baba Avtar Singh Ji Charitable Society (Registered) are the legal representatives of late Sant Avtar Singh. The aforesaid finding has been upheld by the First Appellate Court.

This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

While deciding the application under Order XXII, the Court is not required to hold a detailed investigation/inquiry about the inheritance of the property. The legal representatives are brought on record only for the purpose of prosecuting or defending the pending litigation. Such order is passed in order to maintain continuity of the litigation and for no other purpose.

As per the learned counsel representing Sh. Kuldeep Singh, the property of late Sant Avtar Singh would escheat in favour of the State.

A Full Bench of this Court in **Mohinder Kaur and another vs. Piara Singh and others, AIR 1981 P&H 130**, has held that the proceedings in the litigation shall not be unnecessarily delayed in order to decide such questions which can always be decided by the separate proceedings.

After having addressed arguments at some length, the learned

counsels representing the parties have come to a consensus. They state that let Sant Baba Avtar Singh Ji Charitable Society (Registered), Sh. Kulwant Singh, as well as the State of Punjab, be brought on record as legal representatives of late Sant Avtar Singh, for the purpose of prosecuting/defending the first appeals. This order will be restricted only to bring on record the legal representatives and shall not decide inter-se rights between the parties.

Disposed of accordingly.

The learned First Appellate Court is requested to decide the pending two first appeals within a period of six months, from today.

The parties through their counsels are directed to appear before the First Appellate Court, on 27.10.2022.

All the pending miscellaneous applications, if any, are also disposed of.

September 27, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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