

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-7982 of 2017 (O&M)
Date of decision: 21.09.2022

Sukhwinder Singh

..Petitioner

Versus

Kaushalya Devi (deceased) through LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yogesh Kumar Aneja, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

On the death of one of the plaintiffs, the Court has allowed the application for permission to bring on record her legal representatives. The correctness of the aforesaid order has been challenged before this Court.

The learned counsel representing the petitioner contends that the application could not be allowed without deciding the rights of inheritance on the suit property. He submits that as per the mandate of Order XXII Rule 5 CPC, the court is required to decide the rights of inheritance.

While deciding the application under Order XXII CPC, the Court only permits the legal representatives of the deceased to come on record in order to either prosecute the proceedings or defend it. At that stage, the court is not required to finally decide as to who would be the heirs of the deceased. The court is only required to, prima-facie, satisfy itself that the person who has come forward to be brought on record as legal representative of the deceased is related to him/her. The daughters of the deceased, being Class-I heirs, have filed the application for bringing them

on record as the legal representatives of the deceased.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

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

September 21, 2022
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(ANIL KSHETARPAL)
JUDGE

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