

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

CR-477-2021 (O&M)

Date of decision: 22.08.2022

Kamlesh and others

....Petitioners

Versus

Mahender Singh (since deceased) through his L.Rs and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Chander Pal Tiwana, Advocate for the petitioners

ANIL KSHETARPAL, J (Oral)

An application filed by the wife and children of Sh.Babu Lal, for being brought on record his legal representatives, has been dismissed. A suit for possession by way of specific performance of the agreement to sell allegedly executed by Sh.Babu Lal is pending before the trial court. The whereabouts of Sh.Babu Lal are not known. Hence, his wife and children have filed the application. The trial court has dismissed the same on the ground that there is no evidence that Babu Lal has died and the applicants are not party to the said agreement.

Once the whereabouts of Sh.Babu Lal are not known, the petitioners (wife and children of Sh.Babu Lal) are required to be brought on record in order to defend the suit. Section 146 of the Code of Civil Procedure, 1908, permits the court to bring them on record in order to defend the suit.

In view thereof, the order under challenge is set aside. The application filed by the petitioners shall stand allowed. Let the petitioners defend the suit as representatives of Sh.Babu Lal.

The revision petition stands allowed.

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

22.08.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE