

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

CR-1843-2022 (O&M)

Date of decision: 23.09.2022

Rohtash Garg

....Petitioner

Versus

Budh Ram (since deceased) through his LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gaurav Sharma, Advocate for the petitioner

Mr. Munish Garg, Advocate for respondent no.6

ANIL KSHETARPAL, J (Oral)

During the pendency of civil suit, on the death of defendant no.1-late Sh.Budh Ram, two applications to bring on record his legal representatives, were filed; one by the widow and another by Jiwan Kumar, his son. Jiwan Kumar is already the defendant no.2. His widow has been brought on record on the basis of a registered Will.

The correctness of such order has been challenged in this Court. Respondent (Jiwan Kumar) claims that late Sh.Budh Ram executed another Will in his favour. Admittedly, Jiwan Kumar is already defendant no.2 in the suit. While deciding the application to bring on record the legal representatives, the court does not finally decide about the inheritance. Such kind of matter that is of substantive importance is required to be decided as and when the parties dispute that fact in the independent proceedings. The legal representatives are brought on record only for the purpose of continuity of the proceedings and to permit the legal representatives to prosecute or defend the suit.

Once the petitioner is already the defendant no.2, he being

a party, is not required to be brought on record, once again.

With all these observations, the revision petition is disposed of.

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

23.09.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE