

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 1552 of 2021 (O&M)

Ram Prashad (Since Deceased) through his Legal Heirs
... Petitioner(s)

Versus

Mukesh Devi and Others
... Respondent(s)

AND

2. Civil Revision No. 1553 of 2021 (O&M)

Ram Prashad (Since Deceased) through his Legal Heirs
... Petitioner(s)

Versus

Mukesh Devi and Others
... Respondent(s)

DATE OF DECISION: 08.12.2022

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Aditya Jain and Mr. Rahul Vohra, Advocates
for the petitioner(s).

Mr. Anup Yadav, Advocate
for the respondent No.1.

Anil Kshetarpal, J.

1. Pursuant to the award passed by the Motor Accident Claims Tribunal, Gurugram, on 17.07.2014, the execution petition filed by the claimants is pending. In those proceedings, the property of the judgement debtor No.1 (Sh.Mahesh Chand) was attached. Sh. Mahesh Chand's father filed an objection petition claiming that the attached property, in fact, belongs to him. The Executing Court dismissed the same. Sh.Mahesh Chand's father has already died. Now, it is being contended that late Sh.Ram

Prashad (Sh.Mahesh Chand's father) had executed a registered Will in favour of his other children, namely Sh.Sukhbir and Sh.Sunder Singh. This matter will be required to be examined. At this stage, only attachment of the property has been ordered. Hence, Civil Revision No. 1552 of 2021 is disposed of with the observation that the Executing Court will proceed to decide the dispute.

2. In Civil Revision No. 1553 of 2021, an application has been filed by Sh.Sukbir and Sh.Sunder singh for permission to bring them on record being the legal representatives of late Sh.Ram Prashad has been dismissed by the Executing Court vide order dated 12.02.2021.

3. Once the objector has died, his legal representatives are required to be brought on record. The Executing Court may decide to bring on record all the legal representatives of late Sh. Ram Prashad in order to substantively decide the case. However, it was not correct on the part of the Executing Court to dismiss the application. In the facts and circumstances of the case, the revision petition is disposed of by directing the Executing Court to implead all the natural heirs of late Sh. Ram Prashad as the legal representatives and then proceed with the matter.

4. The miscellaneous application(s) pending, if any, in both the revision petitions shall stand disposed of.

**(Anil Kshetarpal)
Judge**

December 08, 2022

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No