

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

CR No.6060 of 2019

Date of Decision: 25.08.2022

Sardara Singh (deceased) through LR Oshin Thakur (minor)

..... Petitioner

versus

Rai Singh Chauhan

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ashish Naik, Advocate
for the petitioner.

Mr. U. K. Agnihotri, Advocate with
Mr. Anshul Agnihotri, Advocate and
Mr. Vikas, Advocate
for the respondent.

TRIBHUVAN DAHIYA J. (ORAL)

The present petition has been filed by Oshin Thakur (minor), grand daughter of Sardara Singh, on the basis of a Will dated 21.09.2016 (Annexure P-2), claiming that she is the only legal representative of deceased Sardara Singh, and the other natural heirs of the deceased should not be impleaded as legal representatives in the pending suit.

Learned trial Court vide the impugned order dated 22.04.2019 (Annexure P-7) has held that all the natural heirs of deceased are to be impleaded as his legal representatives in the present case and not only the petitioner Oshin Thakur on the basis of a Will relied upon by her.

The fact of the petitioner being the only legal representative of late Sh. Sardara Singh is a matter of evidence to be proved before the trial Court. At this stage, she cannot be held to be the only legal representative of deceased to the exclusion of all other natural heirs.

In view of the above, the impugned order passed by the trial Court does not suffer from any illegality.

Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

25.08.2022

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No