

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

NARESH KUMAR
2022.11.04 09:41

107

CR-8400 of 2017 (O&M)
Date of decision: 31.10.2022

Pawan Kumar

..Petitioner

Versus

Jaswant Singh (deceased) through his LR Sukhdarshan Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.S.Brar, Sr. Advocate, with
Mr. Sumeet Pal Singh Sidhu, Advocate
for the petitioner.

Mr. Parvinder Singh, Advocate
for respondent no.1.

Mr. Hemant Hans, Advocate, for
Mr. Bhushan Bhatia, Advocate,
for respondent no.22.

Mr. Aseem Kataria, Advocate
for respondent no.25.

ANIL KSHETARPAL, J(Oral)

The objection with regard to the maintainability of the suit by the defendant at the initial stage has been over ruled by the trial court. Challenging its correctness, the present revision petition has been filed.

The plaintiff has filed a suit for grant of decree of joint possession after declaration. The decree of declaration has been sought with respect to the various immovable properties including the correctness of the sale deeds. While filing the suit the plaintiff has described himself as under:-

*“Jaswant Singh son of Sher Singh, deceased through his
LR (Grandson) Sukhdarshan Singh s/o Balbir Singh s/o
Jaswant Singh, resident of Village Siau, Tehsil & District
Mohali.”*

The petitioner claims that the suit has been filed by a dead person. Undoubtedly, the plaintiff has failed to implead himself properly in the case. However, once in the plaint itself, he has disclosed that he being the legal heir and grand son of Sh. Jaswant Singh is filing the suit, the mere technical omission on the part of the plaintiff would not defeat his right to continue with the suit, particularly when it is pending for the last 9 years.

Hence, no ground to interfere is made out.

Dismissed.

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

October 31, 2022

nt

**(ANIL KSHETARPAL)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>