

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-443 of 2019 (O&M)
Date of decision: 24.11.2022

Ranu Rakhra

..Petitioner

Versus

Bakhtawar Singh (now deceased) through his LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Abhimanyu Kalsi, Advocate
for respondents no.7(i) and 7(ii)

ANIL KSHETARPAL, J(Oral)

A suit for separate possession by way of partition with a consequential relief of mandatory and permanent injunction is pending before the trial court.

Late Sh. Balbir Singh (respondent no.7/plaintiff in the suit) died during its pendency. Two separate applications for permission to bring on record his legal representatives were filed. First one was filed by Smt. Gurdeep Kaur Raikhy and Smt. Hanisha Raikhy whereas another was filed by Smt. Ranu Rakhra. Smt. Gurdeep Kaur Raikhy and Smt. Hanisha Raikhy claim to be the widow and the daughter of the deceased, respectively. Smt. Ranu Rakhra also claims to be the daughter of late Sh. Balbir Singh from his first marriage. The trial court has allowed the application filed by Smt. Gurdeep Kaur Raikhy and Smt. Hanisha Raikhy, whereas, the application filed by Smt. Ranu Rakhra has been dismissed.

Assailing the correctness of the aforesaid order dated

23.10.2018, this revision petition has been filed.

While deciding an application under Order 22 CPC, the court is not expected to decide the inter-se dispute/claim/rights between the various legal representatives. Order 22 CPC provides for bringing on record the legal representatives and not the legal heirs. These legal representatives are brought on record only for the purpose of prosecuting or defending the litigation in order to ensure continuity of litigation and due representation of interest. The various legal heirs, having conflicting claims, can be relegated to the separate remedy of filing an independent suit for deciding the inter-se dispute with regard to their entitlement. However, on the fact of it, the court should permit the legal heirs, who have some semblance of relationship with the deceased, to be brought on record in order to grant them opportunity to prosecute or defend the litigation.

Keeping in view the aforesaid facts, the order dated 23.10.2018, is set aside. The application filed by Smt. Ranu Rakhra stands allowed. She shall also be brought on record as the legal representative of late Sh. Balbir Singh along with Smt. Gurdeep Kaur Raikhy and Smt. Hanisha Raikhy.

Needless to observe that it shall be open to the various legal representatives to get their inter-se dispute settled while resorting to the separate/independent remedy.

Disposed of accordingly.

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

November 24, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*