

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

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CR No.415 of 2023 (O&M)
DATE OF DECISION : 20th JANUARY, 2023

Manpreet Singh

.... Petitioner

Versus

**Gurcharan Kaur @ Gurbachan Kaur (deceased) through her LR
and others**

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. G.S. Jagpal, Advocate
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This is a revision petition filed under Article 227 of the Constitution of India praying for setting aside the order dated 21.10.2022 (Annexure P-4) passed by Civil Judge (Junior Division), Ludhiana, whereby, the application for impleading LR's of plaintiff/respondent No.1 filed by Jaswant Singh has been allowed.

A perusal of the impugned order passed by the trial Court shows that the respondent has claimed a will, statedly executed in his favour by the plaintiff in the suit. The plaintiff has now expired and Jaswant Singh who claimed subsequent will in his favour has been permitted to represent Gurcharan Kaur @ Gurbachan Kaur in the suit. Since, at this stage, there is a will claimed by Jaswant Singh and the will is subsequent to the will claimed by the defendant No.1, who is vendor of the present petitioner, and the testator had herself filed the suit during her life time questioning the validity of the will and the transfer of the land in favour of the present

petitioner, therefore, this Court does not find anything wrong in impleading Jaswant Singh as plaintiff to represent the plaintiff Gurcharan Kaur @ Gurbachan Kaur.

However, mere fact that Jaswant Singh has been permitted to represent the original plaintiff would not make him entitle to claim the decree qua the property in dispute in his favour on the basis of will. His representation as legal representative shall be taken only for the purpose of the prosecution of the proceedings of the suit; without generating any further right in his favour on the basis of said will, unless he seeks a declaration to that effect and the will is adjudicated to be valid in his favour.

Disposed of in the above said terms.

20th JANUARY, 2023
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

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