

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.4703 of 2016 (O&M)

Date of Order: 04.12.2023

Kuldeep Ram (Deceased) through LRs

.Petitioner

Versus

Balwinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.P.Soi, Advocate,
for the petitioner.

Mr. Harkirat Singh Jagdev, Advocate
and Mr. Ajay Pal Singh, Advocate
for respondent no.1 and 2.

ANIL KSHETARPAL, J

1. Through this revision petition, the challenge is to the correctness of the order passed by the court while bringing on record all the legal representatives including the second wife and children born from the second marriage.

2. The learned counsel representing the petitioner submits that the second wife had also taken divorce.

3. On the other hand, the learned counsel representing the respondent nos.1 and 2 submits that no decree of divorce was placed on file by the petitioner.

4. While deciding the applications under Order XXII, the courts only permit the legal representative to be brought on record for the purpose of prosecuting or defending the case. In this case, the plaintiff had died.

Hence, his natural heirs were permitted to be brought on record to prosecute

the suit. The decision to bring on record the legal representative does not finally decide the right to succession of the property of the deceased.

5. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

6. Dismissed.

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

December 04, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO