

2023:PHHC:139972
**131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-634-2022 (O&M)
Date of decision: 02.11.2023

Rajesh Kumar Sharma

...Petitioner

Versus

Rajender Parshad Sharma and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Deep Karan Dalal and
Mr. Yogender Singh Rana, Advocate for the petitioner

Mr. Kul Bhushan Sharma, Advocate for respondent
no.1

ANIL KSHETARPAL, J (Oral)

1. Through this revision petition, the challenge is to the correctness of the order dated 09.11.2021, passed by the trial court.

The court has permitted the plaintiff to amend the plaint, after noticing that one of the respondents Urmila Devi has died.

2. The petitioner herein is one of the defendants in the suit. He claims that Smt. Urmila Devi executed a registered Will in his favour. While deciding the application to bring on record the legal representatives, the court only permits the legal representatives to prosecute or defend the case. Such adjudication is limited to permitting the parties to continue with the litigation. Such decision should not be considered as a final adjudication on the issue of the validity or the right of succession. The plaintiff filed an application

claiming that on account of death of Urmila Devi, her legal representative, i.e the plaintiff and defendant no.1, 2 and 3 are already party to the suit. This fact has only been noticed by the court. Hence, no ground to interfere is made out.

3. Dismissed.

4. Needless to observe that any observation made by the trial court or by this Court shall have no bearing on the final disposal of the case.

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

02.11.2023

rekha

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No