

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

**CR-418-2021 (O&M)**

**Date of Decision: 31<sup>st</sup> January, 2023**

Sarabjit Kaur and others

... Petitioners

Versus

Piara Singh since deceased through LRs and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Prateek Sodhi, Advocate for the petitioners.  
Mr. Manuj Nagrath, Advocate for respondent No.2.  
Mr. R.S Madaan, Advocate for NHAI.  
Mr. Rajesh Mehta, Additional Advocate General, Punjab.

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**AVNEESH JHINGAN , J.(Oral)**

1. This revision petition is filed for setting aside the order dated 18<sup>th</sup> January, 2021 whereby the application preferred by the petitioners to be impleaded as Legal Representatives (LR) of deceased-Piara Singh was dismissed.

2. Brief facts of the case are that the land of Piara Singh was acquired by National Highway Authority of India (NHAI). The award dated 25.7.2011 was passed awarding compensation. Piara Singh expired on 8.8.2016. On 7.9.2017, Harbinder Singh (son of Piara Singh) on basis of registered Will filed a petition for execution. The NHAI filed objections under Section 34 of Arbitration and Conciliation Act, 1996 (for short 'the Arbitration Act') and petitioner claiming to be daughters of deceased filed an application for impleading them as LRs of deceased. The application was rejected vide order dated 18.1.2021 and hence, the present petition.

3. Learned counsel for the petitioner submits that the Additional District Judge on the same day passed two contradictory orders. The application for impleadment of the petitioners as LR's in the execution proceedings was allowed and application for impleadment of the LR's in proceedings under Section 34 of the Arbitration Act was dismissed.

4. Learned counsel for respondent No.1 submits that petitioners are not necessary parties in the proceedings under Section 34 of the Arbitration Act.

5. From the perusal of two orders of the District Judge i.e. Impugned order and Annexure P-7, it is forthcoming that contradictory findings were recorded. In Annexure P-7, the Court came to the conclusion that the petitioners are necessary party and are impleaded them as LR's of Piara Singh. Whereas in the impugned order conclusion is that no case is made out for impleading the petitioners as LR's of Piara Singh.

6. Considering that the petitioners claim themselves to be the daughters of the deceased and there is no probate of the registered Will relied upon by respondent No.1, the petitioners are necessary parties in the proceedings under Section 34 of Act. The impugned order is set aside, the revision petition is allowed subject to all just exceptions. Petitioners are ordered to be impleaded as LR's of Piara Singh in proceedings under Section 34 of the Arbitration Act

7. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)  
JUDGE

31<sup>st</sup> January, 2023

*anuradha*

Whether reasoned/speaking  
Whether reportable

Yes/No  
Yes/No