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

CR-1466-2023 (O&M)

Date of Decision: 15.03.2023

Kuldeep Kaur

....Petitioner

Versus

Hardev Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Deepak Aggarwal, Advocate
for petitioner.

ARUN MONGA, J. (ORAL)

Petition herein is for setting aside order dated 18.01.2023 whereby prayer of petitioner for impleading him as legal heir of deceased Karam Singh-defendant was rejected.

2. Succinct facts first, as pleaded in the revision petition.

2.1. Respondent No.1/Plaintiff filed a suit for declaration to the effect that bifurcation of major chunk of land measuring 43 Kanals 16 Marlas and thereby preparing and carving out a separate *Tatima* in the name of Karam Singh-defendant at the time of impugned mutation by the revenue officials is illegal, null, void and without jurisdiction and against the mandatory provisions of the Punjab Land Revenue Act and Rules and Regulations.

2.2. During pendency of the said suit, the sole defendant – Karam Singh died on 19.02.2019. Therefore, an application was moved by petitioner for impleading the legal representatives of defendant by pleading that the deceased left

behind his wife Mohinder Kaur, son Jaswant Singh, another son Vikramjit Singh (since deceased), petitioner-Kuldeep Kaur wife of Harbans Singh (predeceased son of Karam Singh) and Mannat Dhindsa daughter of Harbans Singh (predeceased son of Karam Singh).

2.3. Respondent No.1/Plaintiff filed his reply to the said application admitting the petitioner to be a Class-I legal heir of deceased. Another separate application for impleading as legal heir of deceased Karam Singh was also moved by Jaswant Singh son of Karam Singh.

2.4. Vide impugned order dated 18.01.2023, Ld. trial Court impleaded all the legal heirs as mentioned in the application except for petitioner while observing that only Class-I legal heirs of deceased Karam Singh can be impleaded to represent him in the present case and since Kuldeep Kaur (petitioner), daughter-in-law of Karam Singh is not a Class-I legal heir, she cannot be impleaded in her own right.

3. Learned counsel for petitioner submits that the observations made by Ld. trial Court are wrong and against law because as per Schedule given in the Hindu Succession Act, 1956, widow of a pre-deceased son is classified as Class-I legal heir. More so, plaintiff did not raise any objection for impleading the petitioner as legal heir.

4. Schedule of Hindu Succession Act, 1956 is as under:

“THE SCHEDULE
CLASS I

*Son; daughter; widow; mother; son of pre-deceased son; daughter of a pre-deceased son; son of a pre-deceased daughter; daughter of a pre-deceased daughter; **widow of a pre-deceased son**; son of a predeceased son of a pre-deceased son; daughter of a pre-deceased son of a pre-deceased son; widow of a pre-deceased son of a pre-deceased son.*

(emphasis supplied)

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xxxx”

5. Given the nature of order being passed, there is no necessity to issue notice to respondents, as no legal prejudice would be caused to them. Notice to respondents is thus dispensed with.
6. Having heard the arguments of learned counsel and gone through aforesaid Schedule, I am of the view that Ld. trial Court fell in grave error while holding that petitioner is not Class I heir of Karam Singh and thus rejecting the application moved by petitioner.
7. Consequently, revision petition is allowed and impugned order is set aside. Application moved by petitioner stands allowed and she is impleaded as one of legal representatives of deceased Karam Singh in the instant suit.
8. Pending civil miscellaneous application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

March 15, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No