

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

CR-1949-2022(O&M)

Reserved on:-3.7.2023

Date of Pronouncement:-5.7.2023

Mohan Singh and another

...Petitioners

Versus

Smt.Bohti and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.S.S. Jattan, Advocate
for the petitioners.

Mr.Arinder Arora, Advocate
for the respondents.

H.S. MADAAN, J.

1. Under challenge in this revision petition is the order dated 23.2.2022 passed by Civil Judge (Jr.Divn.), Naraingarh, District Ambala in Civil Suit No.36 of 2018 titled 'Smt.Bohti and another Versus Krishan and others' vide which an application filed for bringing on record legal representatives of defendant No.1 Krishan had been dismissed.

2. Briefly stated, facts of the case are that plaintiff Smt.Bohti aged about 70 years – wife and Ruman @ Rumani Chauhan, aged 35 years – daughter of Krishan son of Sadhu, both residents of village Salwan Tehsil Assandh, District Karnal had brought a suit against defendants i.e. Krishan son of Sadhu and his illegitimate sons Mohan Singh and Bhim Singh, all residents of village and Post Office Shahzadpur, Tehsil Naraingarh, District Ambala, seeking a declaration

that the registered transfer deed dated 21.10.2014 executed by defendant No.1 Krishan in favour of his illegitimate sons Mohan Singh – defendant No.2 and Bhim Singh – defendant No.3 and mutation sanctioned on the basis thereof are illegal, null and void and are result of fraud with consequential relief of possession and permanent injunction.

3. On getting notice, all the three defendants appeared and contested the suit. However, during pendency of the proceedings, defendant No.1 Krishan expired on 30.3.2021. Defendant No.2 Mohan Singh filed an application contending that Krishan had left behind his widow – Smt.Rajesh Devi and daughter Poonam besides defendants No.2 and 3, therefore, all of them be impleaded as legal heirs of defendant No.1.

4. The application was resisted on behalf of the plaintiffs contending that plaintiff No.1 is legally wedded wife of deceased Krishan and plaintiff No.2 is their daughter. Since Krishan had re-married without getting divorce from plaintiff No.1, therefore defendants No.2 and 3 are his illegitimate sons, therefore Rajesh Devi alleged second wife of Krishan and their alleged daughter Poonam along with defendants No.2 and 3 have no right to be impleaded as legal heirs of defendant No.1.

5. After hearing the counsel for the parties, the trial Court of Civil Judge (Jr.Divn.), Naraingarh vide the impugned order dated 23.2.2022 had dismissed the application, leaving defendants No.2 and 3 aggrieved, who have filed the instant revision petition, notice of which was given to respondents/plaintiffs, who put in appearance through counsel.

6. I have heard learned counsel for the parties besides going through the record and I do not find any merit in the revision petition.

7. On getting notice of the suit defendant No.1 Krishan as well as defendants No.2 and 3 had put in appearance in the Court. Plaintiff No.1 Smt.Bohti being wife and plaintiff No.2 - Ruman @ Rumani Chauhan being daughter of Krishan are already on record. The dispute is with regard to transfer deed said to have been executed by Krishan in favour of his illegitimate sons Mohan Singh – defendant No.2 and Bhim Singh – defendant No.3. Mohan Singh and Bhim Singh are contesting the suit through counsel. The trial Court has rightly observed that Smt.Rajesh Devi allegedly second wife of Krishan and Poonam born to them from that union are not required to be brought on record as legal representatives of Krishan. It is indeed surprising as to why Mohan Singh and Bhim Singh want Smt.Rajesh Devi and Poonam to be brought on record as legal representatives of Krishan when the main dispute is between plaintiffs on one side and defendants Mohan Singh and Bhim Singh on the other side.

8. The impugned order passed by the trial Court is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

9. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the

miscellaneous application(s), if any, stand disposed of accordingly.

5.7.2023

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No