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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2754-2023 (O&M)

Date of decision: May 12, 2023

Sahi Ram

....Petitioner

versus

Har Lal (deceased) through LR

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Mukesh Yadav, Advocate for the petitioner.

ARUN MONGA, J. (ORAL)

Petition herein *inter alia* is for setting aside impugned order dated 14.03.2023 (Annexure P-4) passed by learned Civil Judge (Junior Division), Mahendergarh whereby application of respondent for impleading herself as legal representative of deceased-Har Lal, was allowed.

2. The revision petition is premised on the averments that Har Lal (since deceased) had filed a suit for recovery against petitioner/defendant. He died during pendency of suit proceedings. Respondent herein moved an application for impleading LRs of deceased Har Lal. Defendant/petitioner raised objection to the same. Vide impugned order dated 14.03.2023 (Annexure P-4), application for impleadment was allowed by learned trial Court.

3. Learned counsel for petitioner/defendant contends that there are other legal representatives of the deceased-Har Lal but respondent/plaintiff did not mention their names in the application. He would further contend that respondent filed an application mentioning only with regard to the Will No.173/3 dated 22.09.2015 and on the basis of which, she moved application to get herself impleaded as legal heirs of Har Lal, but details of other LRs of deceased were not mentioned. Respondent/plaintiff raised objection in this regard. All the legal heirs are necessary to be impleaded to avoid further litigation because genuineness of Will is not decided.

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4. I have heard learned counsel for petitioner and perused the record.
5. Impugned order dated 14.03.2023 passed by learned Civil Judge (Junior Division), Mahendergarh, is premised, *inter alia*, on the following reasoning:

“5. After having heard learned counsel for the parties and after having gone through the case file minutely, this Court has arrived at the conclusion that the application in hand deserves to be allowed. In this context, this Court finds it appropriate to maintain that through the present application, learned counsel for the plaintiff wants to implead LRs of plaintiff. However, no document or evidence has been produced by respondent/defendant to prove that the person mentioned in the application is not the legal heir of the plaintiff or there are more legal heirs except her.”

6. It appears that objection of petitioner/defendant that there are other legal representatives, and yet they have not been impleaded, may be factually correct, but at the same time, if knowing that their LRs have the knowledge of pending proceedings and they have relinquished their rights to seek enforcement of the same to be impleaded as LRs of the deceased plaintiff, they cannot be forced to do so. Defendant/petitioner has duly discharged its duty by informing the Court that there are other LRs. The one already impleaded, sufficiently represents the estate of plaintiff, by virtue of Will executed in her favour, she having already been impleaded as LR, no interference in the impugned order is called for.

7. There is no room for interference in the aforesaid valid reasons recorded by learned Court below.

8. No material irregularity in law or procedure has been committed by learned Court below, so as to exercise extraordinary revisional jurisdiction herein.

9. Dismissed.

10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

May 12, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No