

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

Civil Revision No. 4724 of 2023(O&M)

Date of Decision: 21.08.2023

Amarjit Singh (deceased) through LRs

...Petitioner

Versus

Surinder Pal Kaur & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Arun Jindal, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. The petitioner has filed the present revision petition against the order dated 31.05.2023 (Annexure P-4) passed by the Court of Civil Judge(Jr.Divn.), Ludhiana whereby the application filed by the petitioner to implead the petitioner and his sister Devinder Kaur and brother Sukhwinder Singh as legal heir of their father Amarjit Singh in civil suit titled Amarjit Singh & Ors. Vs. Surinder Pal Kaur & Ors., has been dismissed while the application filed by aforesaid Devinder Kaur and Sukhwinder Singh to implead them as legal heirs of Amarjit Singh on the basis of registered will dated 28.05.2021 has been allowed.

2. The brief facts of the case are that Amarjit Singh father of petitioner, Devinder Kaur and Sukhwinder Singh filed civil suit for possession against Surinder Pal Kaur & Ors. and during the pendency of the suit Amarjit Singh died. The petitioner filed an application to implead her and her brother and sister as legal heirs of Amarjit Singh on the basis of natural succession, whereas Devinder Kaur and Sukhwinder Singh, siblings

of the petitioner produced registered will dated 28.05.2021 to claim that they are the only testamentary legal heirs of their father Amarjit Singh. The learned trial Court impleaded Devinder Kaur and Sukhwinder Singh as legal heirs of Amarjit Singh for the purpose of disposal of the suit on the basis of aforesaid registered will dated 28.05.2021. Being aggrieved, the petitioner who is claiming natural succession, has filed the present revision petition.

3. The counsel for the petitioner submits that the suit in question is not regarding the estate of Amarjit Singh and as such all the natural legal heirs of the deceased should have been impleaded by the learned trial Court as at this stage it is difficult for the trial Court to test the genuineness/ authenticity of will dated 28.05.2021. The counsel for the petitioner has further submitted that earlier Amarjit Singh during his lifetime filed another CR-4865 of 2018 against the earlier order dated 10.07.2018 passed by the learned trial Court and in the said civil revision petition the Co-ordinate Bench has directed to substitute all the natural legal heirs of Amarjit Singh in his place and the copy of concerned order is Annexure P-3 dated 21.04.2023.

4. I have considered the submissions made by counsel for the petitioner.

5. It appears that Amarjit Singh has died leaving behind two daughters namely petitioner Paramjit Kaur and Devinder Kaur and one son Sukhwinder Singh. Devinder Kaur and Sukhwinder Singh have set up registered will dated 28.05.2021 stated to be executed in their favour by Amarjit Singh, whereas the petitioner is claiming that Amarjit Singh died *intestate* leaving behind two daughters and one son namely Paramjit Kaur, Devinder Kaur and Sukhwinder Singh. The civil suit which is pending

before learned trial Court was filed by Amarjit Singh during his lifetime to get possession of the suit property. In the said civil suit the question with regard to inheritance of Amarjit Singh cannot be decided. So, the proper course for the trial Court was to implead all the natural legal heirs of Amarjit Singh for the purpose of disposal of the suit, as has been done by the Coordinate Bench while passing order (Annexure P-3) whereby all three children of Amarjit Singh are impleaded as his legal heirs for disposal of CR-4865 of 2018 which was filed by the deceased during his lifetime.

6. In light of the above, the present petition is allowed and the impugned order (Annexure P-4) is set aside and learned trial Court is directed to implead petitioner Paramjit Kaur, Devinder Kaur and Sukhwinder Singh as legal heirs of Amarjit Singh for the purpose of disposal of the civil suit titled Amarjit Singh Vs. Surinder Pal Kaur & Ors. pending in the Court of Civil Judge (Jr.Divn.), Ludhiana.

7. Keeping in view the nature of order being passed, no notice is required to be issued to the respondents. However, if they feel dis-satisfied with this order, they may move an application to recall the same.

21.08.2023

Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No