

2023:PHHC:090482

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

CR-4837-2022 (O&M)
Date of decision: 18.07.2023

Bhagat Singh (since deceased) through his LRs
....Petitioner

Versus

Union Territory, Chandigarh
..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Santosh Kumar, Advocate for
Mr. Charanpal Singh Bagri, Advocate for the petitioner

Mr. Jaivir Singh Chandail, Addl. Standing counsel
UT, Chd.

ANIL KSHETARPAL, J (Oral)

1. Pursuant to the involuntary acquisition of the land owned by late Sh.Bhagat Singh, some amount of compensation is lying deposited in the court. Legal representatives of late Sh.Bhagat Singh including his widow, three sons and one daughter have filed an application to bring them on record as legal representatives of late Sh.Bhagat Singh. The court has framed the following issues:-

*“1. Whether Bhagat Singh has expired
on dated 21.01.2001? OPA.*

*2. Whether Tej Kaur (wife), Kuldeep
Singh (son), Jagtar Singh (son), Balbir Singh (son)
and Dalbir Kaur (daughter) are the only legal
representatives of the deceased Bhagat Singh on the
basis of natural succession? OPA.*

3. Relief.”

2. Learned counsel representing the UT, Chandigarh (respondent) does not dispute the fact that Sh.Bhagat Singh has died. He also does not dispute that late Sh.Bhagat Singh left behind his widow, three sons and one daughter, who are petitioners herein.

3. While bringing on record the legal representatives under Order XXII Rule 3 of the Code of Civil Procedure, 1908, (hereinafter referred to as 'CPC') the court does not finally adjudicate the right of inheritance. The legal representatives are brought on record for the purpose of the continuation of the proceedings and enabling the legal representatives to prosecute or defend the case. Hence, a detailed inquiry on the aforesaid aspect is not required to be carried out, particularly, when the respondent is not disputing the averments made in the application.

4. Keeping in view the aforesaid facts, the order dated 06.09.2022 is set aside. The application filed by the legal representatives under Order XXII Rule 3 CPC shall stand allowed.

5. With these observations, the revision petition is disposed of.

6. All the pending miscellaneous applications, if any, are also disposed of.

18.07.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE