

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

Civil Revision No. 6752 of 2023(O&M)

Date of Decision: 09.11.2023

Gurmeet Kaur

...Petitioner

Versus

Satnam Singh

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Arihant Goyal, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. The present revision petition has been filed by petitioner Gurmeet Kaur against the order dated 02.08.2023 (Annexure P-3) passed by the Court of Civil Judge (Sr.Divn.), Barnala.

2. The brief facts of the case are that petitioner is daughter-in-law of Harbans Singh. Said Harbans Singh filed suit for recovery of Rs.14,14,000/- against respondent Satnam Singh and State Bank of Patiala. The said suit was decreed for recovery of Rs.11,36,000/- along with interest in favour of Harbans Singh and against the respondent and aforesaid Bank vide judgment dated 09.07.2019. Thereafter, decree holder filed the execution and during the pendency of the execution Harbans Singh died. Admittedly, Harbans Singh was having two sons namely Kuldeep Singh Gill @ Billa, Jagjit Singh @ Gogi, husband of the petitioner and one daughter Gurdeep Kaur Gill and his wife Harbans Kaur pre-deceased him. As per petitioner, her husband Jagjit Singh @ Gogi has died and that her father-in-law Harbans Singh left behind registered will dated 13.04.2018 (Annexure

P-5) with regard to his estate in favour of Kuldeep Singh Gill, Gurdeep Kaur and the present petitioner being widow of Jagjit Singh @ Gogi. However, one Charanjit Kaur has also claimed right in the estate of Harbans Singh being his second wife as Harbans Singh solemnized marriage with her after death of his first wife. Two set of applications were filed in the execution proceedings to implead the LRs of decree holder Harbans Singh. The Executing Court allowed the application dated 23.02.2023 vide impugned order and impleaded Charanjit Kaur, Kuldeep Singh Gill, Gurdeep Kaur Gill and Jagjit Singh as legal heirs of Harbans Singh for the disposal of the execution proceedings.

3. The counsel for the petitioner while assailing the impugned order, submits that no one has disputed the death of Jagjit Singh and as such there was no occasion for the Executing Court to implead Jagjit Singh as one of the legal heir of Harbans Singh. The counsel for the petitioner while referring to will (Annexure P-5) submits that the present petitioner being wife of aforesaid Jagjit Singh is also legal heir of Harbans Singh and thus the petitioner be substituted in place of Jagjit Singh, her husband and to this extent the impugned order requires to be modified.

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

5. From the perusal of Annexure P-6 it appears that Charanjit Kaur while claiming her to be widow of Harbans Singh has filed suit challenging will dated 13.04.2018 wherein petitioner is impleaded as defendant No.3 being widow of Jagjit Singh son of Harbans Singh. Even after going through the will (Annexure P-5), it is *prima facie* established that

Jagjit Singh has already died and petitioner is his widow. So, it is apparent

that at the time of passing of the impugned order Jagjit Singh was not alive and petitioner is his widow. It being so, the impugned order deserves to be modified and petitioner is to be substituted in place of her husband Jagjit Singh @ Gogi as one of the legal heirs of Harbans Singh for the disposal of execution application.

6. For the aforesaid reasons, without commenting on the merits of the case, the present petition is hereby disposed of and the impugned order is modified to the extent that petitioner Gurmit Kaur is to be substituted as one of the legal heirs of Harbans Singh in place of her husband Jagjit Singh who is stated to have died.

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

09.11.2023

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No