

2023:PHHC:129830

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

CR-8128-2019 (O&M)
Date of decision: 06.10.2023

Deepak Mehta and others

...Petitioners

Versus

Smt. Sheela Rani and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Parveen Sharma, Advocate for
Mr. Abhimanyu Singh, Advocate for the petitioners

Mr. J.S.Pannu, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

1. The suit filed by the petitioners for grant of decree of declaration for possession with a consequential relief of permanent injunction is pending before the trial court. The plaintiffs are claiming to be owners and sole legal heirs of late Sh. Ram Dayal Mehta. Smt. Pushpa Devi Mehta claiming to be widow of late Sh. Ram Dayal Mehta filed an application under Order 1 Rule 10 of the Code of Civil Procedure, 1908. She stated that she got married with late Sh. Ram Dayal Mehta in the year 1977 and out of the aforesaid wedlock a son namely Mithun Kumar Mehta was born. Hence, she is a Class I heir of late Sh. Ram Dayal Mehta. Her application was allowed by the trial court, though it was opposed by the plaintiffs. The plaintiffs stated that she is not the legally wedded wife of late

Sh. Ram Dayal Mehta. Through this revision petition the correctness of the order passed by the trial court has been assailed.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. Learned counsel representing the petitioner submits that there is no evidence to prove that Smt. Pushpa Devi Mehta was legally married to late Sh. Ram Dayal Mehta in the year 1977. He submits that in such circumstances, the court committed an error in allowing the application.

4. This Court has considered the submissions made by the learned counsel representing the parties. At this stage, only an application under Order 1 Rule 10 CPC has been allowed. Smt. Pushpa Devi Mehta can be called upon to prove the detailed facts only if she has been impleaded as a party.

5. Keeping in view the aforesaid facts, no ground to interfere is made out.

6. Hence, dismissed.

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

06.10.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE