



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

Sr. No.130

CR-1287-2018

Date of Decision: 01.10.2024

SUKHMINDER SINGH @ SUKHWINDER SINGH

....Petitioner

Versus

**KARAM SINGH (SINCE DECEASED) THROUGH HIS LRS AND
OTHERS**

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sherry K. Singla, Advocate
for the petitioner.

None for respondent No.1 (sole contesting respondent).

Service of respondents No.2 to 6 dispensed with
vide order dated 21.05.2018.

ARCHANA PURI, J. (Oral)

Perusal of the paperbook reveals that respondent No.1, who is the sole contesting respondent, had earlier made appearance through Mr. Gaurav Sharma, Advocate, on 21.05.2018 and 16.08.2018. Thereafter, he did not make appearance. As such, respondent No.1 is proceeded against *ex parte*.

In consonance with the order dated 04.09.2024, passed by this Court, report has been received from the concerned Judicial Officer.

Learned counsel for the petitioner heard.

Challenge in the present revision petition is to the order dated 10.11.2017, passed by learned Trial Court, whereby an application filed by

Bhupinder Singh, for his impleadment as legal representative of the



deceased-Karam Singh, who died during the pendency of the suit, was allowed, on the basis of the Khangi Will dated 01.04.2014.

In continuation of the submissions, as recorded in the order dated 04.09.2024, the report received from the Judicial Officer, has been perused. As per the same, the application filed by Bhupinder Singh before learned Trial Court, for his impleadment as legal representative of Karam Singh, was only supported with photocopy of the Khangi Will dated 01.04.2014, copy whereof is Annexure P-6. Also, it is stated in the report that Power of Attorney in favour of the counsel, through whom the application was filed, was not filed along with the application. Furthermore, it is stated in the report that one memo of appearance dated 20.02.2018, was filed and thereafter, no Power of Attorney was filed. Also, no further memo of appearance was filed. Even, the application was not supported by an affidavit of Bhupinder Singh.

In such circumstances, the order dated 10.11.2017, passed by learned Trial Court, is hereby set aside and the case is remanded to learned Trial Court, to decide the application filed by Bhupinder Singh (if pursued further), in accordance with law and pass an appropriate order thereupon.

In view of the aforesaid terms, the revision petition is disposed of.

01.10.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No