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

CR-2814-2018 (O&M)
Date of decision: 21.08.2024

Pritpal Kaur

...Petitioner

Versus

Darshan Kaur @ Daljit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vikas Singh, Advocate for the petitioner.

Mr. S.S. Swaich, Advocate and
Mr. G.S. Salana, Advocate and
Mr. S.S. Sandhu, Advocate for respondent Nos.1 and 2.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for quashing of the impugned order dated 28.03.2018 (Annexure P-6) passed by the Additional Civil Judge (Senior Division) Payal, whereby an application filed by the petitioner under Order 22 Rule 4 CPC has been disposed of by making all the natural heirs of the deceased Malkit Singh as his legal representatives in the suit.

2. Learned counsel for the petitioner has submitted that the petitioner is the daughter of Malkit Singh and is claiming a registered Will in her favour and had thus, wanted to be impleaded as the sole legal representative of deceased defendant No.1-Malkit Singh. It is further submitted that by virtue of the impugned order, all the natural heirs of the



deceased-Malkit Singh have been impleaded as parties and there is possibility that the said impugned order may be construed as if the registered Will in favour of the petitioner has been rejected. It is also submitted that evidence of the parties has been completed and has further submitted that at least the fact that the impugned order would not be construed as a rejection of the registered Will in favour of the petitioner, be clarified.

3. Learned counsel for respondent Nos.1 and 2 has submitted that it is a matter of settled law that an order under which various parties have been ordered to be impleaded as legal representatives of the deceased-Malkit Singh would not be construed as an adjudication on the legality or otherwise of the alleged registered Will. It is further submitted that the matter is now fixed for final arguments and each of the parties be permitted to raise submissions on the basis of pleadings and evidence of each of the parties.

4. This Court has heard learned counsels for the petitioner as well as respondent Nos.1 and 2 and has perused the paper book.

5. Malkit Singh who was defendant No.1 after filing the written statement has died. The said Malkit Singh is survived by natural heirs who have been ordered to be impleaded as legal representatives of Malkit Singh vide order dated 28.03.2018. It is the case of the petitioner that said Malkit Singh has executed a registered Will in favour of the petitioner who is defendant No.2 in the suit. Primary reason for filing the revision petition apparently is apprehension of the petitioner that the impugned order dated 28.03.2018 should not be construed as a rejection of the registered Will in



her favour. The evidence of the parties has already been led.

6. Keeping in view the abovesaid facts and circumstances, the present revision petition is disposed of by upholding the order dated 28.03.2018 and it is clarified that the order dated 28.03.2018 would not be construed as a rejection of the registered Will claimed by the petitioner to be in her favour from defendant No.1-Malkit Singh. It would be open to both the parties to argue in favour or against the registered Will wherever the issue with respect to the registered Will arises.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

21.08.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No