

123 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No. 4391 of 2018(O&M)

Date of decision :08.04.2024

Arya Pratinidhi Sabha, Punjab

...Petitioner

Vs.

D.M. College, Managing Committee and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Sr. Advocate with  
Mr. Sudhir Paruthi, Advocate  
for the petitioner.

Mr. Raghav Gulati, Advocate  
for respondents No. 1, 4 (i-iv) and 8.

Mr. Rajiv Kataria, Advocate  
for respondents No. 7 and 9.

Respondent No. 5 proceeded *ex parte*.

ANIL KSHETARPAL, J. (Oral)

1. Dispute with respect to management of D.M. College located in Moga is subject matter of pending litigation. Originally, DM College managing Committee alongwith certain office bearers members filed a suit for declaration against Arya Pratinidhi Sabha and its office bearers, which was decreed on 09.03.2011. The defendants, namely, Arya Pratinidhi Sabha filed first appeal. During the pendency of the appeal, the defendants No.2, 3, 4 and 6 died. The natural heirs of some of the plaintiffs as well as subsequent members of the Committee filed application under Order 22 Rule 4 read with Section 151 CPC for bringing them on record as legal representatives, which has been allowed by the First Appellate Court. The correctness of the aforesaid order has been challenged in this revision petition.

2. Learned Sr. counsel representing the petitioner submits that the main contest is between Arya Pratinidhi Sabha on one hand and D.M. College on the other hand. He further contends that at the most, the subsequent office bearers of the managing committee can step in as legal representatives but the natural heirs of the plaintiff has no right to come on record as legal representatives.
3. Learned counsel representing the D.M. College Managing Committee submits that fresh elections have taken place and new office bearers have joined.
4. Keeping in view the aforesaid facts, the order dated 02.12.2017, is set aside by directing the First Appellate Court to decide the application afresh after taking note of the fact that new elections have taken place and only the new office bearers are entitled to be brought on record. The natural heirs of some of the plaintiffs who filed the suit as office bearers of Managing Committee have no right to come on record as legal representatives.
5. With these observations, the revision petition is disposed of.

08.04.2024

neeraj

Whether speaking/reasoned :  
Whether Reportable :

Yes  
Yes

(ANIL KSHETARPAL)  
JUDGE

No  
No