



CR-5100-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5100-2024
Date of decision : 05.09.2024

Raj Kumar (since deceased) through his LR

... Petitioner

Versus

Jyoti Rani @ Tinku and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Charanpuneet Singh, Advocate
for the petitioner (through V.C.).

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside of order dated 11.07.2024 (Annexure P-9) passed in CM/12/2024 by the Additional Civil Judge (Senior Division), Jaitu, District Faridkot in case titled as “Raj Kumar through LR versus Baljinder Singh and others” vide which the application filed by respondent no.1 for impleading legal representatives of the plaintiff Raj Kumar has been allowed.
2. Learned counsel for the petitioner has submitted that the primary reason for challenging the order dated 11.07.2024 is the apprehension in the mind of the petitioner that by virtue of the impugned order, respondent no.1 has been held to be the daughter of Raj Kumar and the said aspect would be binding on the petitioner in the cases with respect

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to the estate of Raj Kumar. It is submitted that the present petitioner is representing Raj Kumar as she has a Will in her favour from Raj Kumar.

3. The main suit has been filed by Raj Kumar seeking declaration to the effect that he has become owner and is in possession of the land in question on account of inheritance from Krishan Chand. The said dispute is between Raj Kumar and nine defendants and it is the dispute between the said two parties which has to be decided in the civil suit. Since Raj Kumar has died, thus the present petitioner as well as respondent no.1 by virtue of the impugned order dated 11.07.2024 have been impleaded as legal representatives for the limited purpose of pursuing the said civil suit. It is a matter of settled law that impleadment of a party for the purpose of continuing the suit on the death of one of the parties, would not amount to an adjudication upon the right of the impleaded party/parties to the estate of the said deceased. The order dated 11.07.2024 cannot be stated to be adjudicating the right of inheritance of the estate of Raj Kumar and the said order has been passed only for the purpose of pursuing the case on behalf of Raj Kumar. The order dated 11.07.2024 is legal and deserves to be upheld.

4. It is, however, clarified that the order dated 11.07.2024 would not be read as an adjudication on the point that respondent no.1 has been held to be the daughter of Raj Kumar. The questions as to whether, who has to inherit the estate of Raj Kumar including the question of whether the said Raj Kumar had executed any Will in favour of the petitioner and as to whether respondent no. 1 is the daughter of Raj Kumar or not, would all be considered independently in separate proceedings, which are stated to have



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already been instituted between the parties.

5. Thus, with the above said clarification, the order dated 11.07.2024 is upheld and the present revision petition is disposed of.

(VIKAS BAHL)
JUDGE

September 05, 2024.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No