



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

**CR No.6811 of 2023
Date of decision : 30.08.2024**

SUKHWINDER SINGH THROUGH HIS LRS Petitioner

Versus

GURNAM SINGH Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Arihant Jain, Advocate
 for the petitioner.

 Mr. Harish Goyal, Advocate
 for the respondent.

PANKAJ JAIN, J. (ORAL)

This is a revision petition directed against the order dated 16th of October, 2023 passed by Additional Civil Judge (Sr. Division) Sunam whereby an application filed by the petitioner seeking independent right to file written statement has been rejected.

2. Suit was filed by the respondent/Gurnam Singh through his attorney Manjit Singh Begal seeking decree of mandatory injunction in form of direction to the defendant to deliver vacant possession of the suit property. Suit was filed against Sukhwinder Singh brother of plaintiff Gurnam Singh. Sukhwinder Singh died. His wife namely Dalip Kaur was impleaded as sole legal representative of Sukhwinder Singh. Unfortunately, Dalip Kaur also

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expired in the year 2020. Plaintiff moved an application under Order 22 Rule 4 of Code of Civil Procedure, 1908 for impleading Daljinder Singh as sole surviving legal representative of Dalip Kaur. Later on one Harpreet Singh also moved an application seeking his impleadment as adopted son of Sukhwinder Singh and Dalip Kaur. The application was dismissed on 14th of September, 2023. Applicant Harpreet Singh moved before this Court in CR No.6121 of 2023. The same was allowed. Thereafter, present application was moved whereby Daljinder Singh claimed independent right to file written statement. The same stands dismissed vide impugned order.

3. Counsel for the petitioner while assailing the impugned order submits that Trial Court failed to appreciate changed circumstances owing to impleadment of Harpreet Singh as adopted son of Sukhwinder Singh and Dalip Kaur. After impleadment of Harpreet Singh, the petitioner who is in possession of the suit property is party to the *lis* in his own right and thus will have a right to file separate written statement.

4. Per contra, counsel for the respondent submits that since Daljinder Singh who was introduced to *lis* only as LR of Dalip Kaur LR of original defendant Sukhwinder Singh, he has no independent right and has in fact stepped into the shoes of original defendant. He thus submits that no fault can be found with the order passed by the Trial Court. The present application is only a ploy to delay the trial as Harpreet Singh is in fact biological son of the petitioner.

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5. I have heard counsel for the parties and have gone through records of the case.
6. Counsel for the petitioner is not in position to dispute the fact that the very birth of the petitioner on the *lis* is in the capacity of being legal representative of Dalip Kaur, who herself was impleaded as legal representative of Sukhwinder Singh, the original defendant. At the time the petitioner was impleaded as legal representative of Dalip Kaur, he did not assert his independent right and was satisfied being legal representative of Dalip Kaur. Thus, it is too late in the day for the petitioner to claim independent right. He having stepped into the shoes of original defendant Sukhwinder Singh and his LR Dalip Kaur, has no other right but of having stepped into their shoes as their LRs.
7. In view of above, this Court does not find any reason to interfere in the instant revision. The same is accordingly ordered to be dismissed.

August 30, 2024
Dpr

(Pankaj Jain)
Judge

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