



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

**CR-1363-2019 (O&M)
DECIDED ON: 17.02.2025**

Usha Berry

....Petitioner

Versus

T. S. Duggal and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Vineet Chaudhary, Advocate for the petitioner.

Mr. Bhim Singh, Advocate for
Mr. Nonish Kumar, Advocate for respondents No.1 to 3.

Mr. Raghav Bali, Advocate for
Mr. Deepak Sharma, Advocate for respondent No.4 (a).

Mr. Simran K. Sharma, Advocate and
Ms. Ragheshwari Sharma, Advocate for
Mr. S.S. Behl, Advocate for respondent No.4 (b).

VIKRAM AGGARWAL, J (ORAL)

CM-4442-CII-2024

Prayer in the present application preferred under Section 151 CPC is for recalling the order dated 20.12.2022 vide which respondents No.1 to 3 were proceeded against ex parte.

Heard.

For the reasons mentioned in the application, the same is allowed and the order dated 20.12.2022 vide which respondents No.1 to 3 had been proceeded against ex parte is recalled to that extent.

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1. The present revision petition is directed against the order dated 18.01.2019 (Annexure P-5) passed by the Court of learned Civil Judge (Junior Division), Ambala vide which the application moved by the applicant under Order 1 Rule 10 (2) of the Civil Procedure Code, 1908 (for short 'CPC') for being impleaded as a plaintiff was dismissed.

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2. The facts, as emanating from the revision petition, are that a suit for redemption of Shop No.110, A-5 situated at Allexandra Road, Ambala Cantt. was filed by Sh. Ram Mohan Wahee against respondents-defendants No.1 to 3. During the pendency of the suit, Sh. Ram Mohan Wahee expired and on the basis of a will stated to have been executed by him, respondents No.4 (a) and 4 (b) were brought on record as legal heirs of Sh. Ram Mohan Wahee. Thereafter, an application (Annexure P-3) was moved by the present petitioner (Ms. Usha Berry) for being brought on record as a plaintiff claiming to be the only legal heir of Sh. Ram Mohan Wahee, being the widow of the pre-deceased son of sister of Sh. Ram Mohan Wahee. Despite no objection having been given by the legal heirs namely respondents No.4 (a) and 4 (b), the application was dismissed by the trial Court stating that bringing the petitioner on record as one of the plaintiffs would complicate the matter.

3. I have heard learned counsel for the parties.

4. Learned counsel for the petitioner submits that the petitioner being the legal heir should have been brought on record as a plaintiff and despite no objection having been given by the other legal heirs namely respondents No.4 (a) and 4 (b) who had been brought on record on the basis of a Will, the trial Court erred in rejecting the application. Learned counsel also submits that bringing on record the petitioner as one of the plaintiffs would not delay the disposal of the case as no further proceedings are to be carried out by the plaintiff nor any evidence has to be led apart from the evidence that has already been led.

5. Learned counsel representing respondents No.1 to 3 has opposed the prayer stating that no useful purpose would be served by bringing the petitioner on record as the plaintiff.



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6. Learned counsel representing respondents No.4 (a) and 4 (b) have again given their no objection to the petitioner being brought on record as the plaintiff.

7. I have considered the submissions made by learned counsel for the parties.

8. This Court is of the considered opinion that the trial Court erred in dismissing the application for bringing on record the present petitioner as a plaintiff. It has to be borne in mind that bringing on record legal heirs is for the purpose of pursuing the proceedings and in any case, the petitioner, being one of the legal heirs, would not cause any delay in the suit especially when the other legal heirs namely respondents No.4 (a) and 4 (b) who had been brought on record on the basis of a will were not objecting to the same. The learned trial Court could not explain as to what complication would arise by allowing the present petitioner to be brought on record as a plaintiff subject to all just exceptions. In the considered opinion of this Court, bringing on record the petitioner as a plaintiff would, in fact, serve the ends of justice rather than complicating things.

In view of the above, the present revision petition is allowed. The order dated 18.01.2019 (Annexure P-5) passed by the Court of learned Civil Judge (Junior Division), Ambala is set aside. The application filed by the petitioner is allowed and the petitioner is ordered to be brought on record as a plaintiff in the suit under reference.

(VIKRAM AGGARWAL)
JUDGE

17.02.2025
Prince Chawla

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