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

(121)

CR-2223-2025

Date of Decision: - 08.04.2025

Vishavjeet @ Vishwajeet Sachdeva**....Petitioner****Versus****Jagdish Kumar and another****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Umang Goyal, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 30.01.2025 (Annexure P-10) passed by the Additional Civil Judge (Senior Division), Zira in Civil Suit No.215 of 2021 titled as 'Jagdish Kumar Vs. Vishavjeet etc.', whereby application dated 15.07.2024 (Annexure P-7) for bringing on record legal representatives of Jagdish Kumar-plaintiff (since deceased) has been allowed.

2. Learned counsel for the petitioner has submitted that the primary reason given for filing the present revision petition is to the effect that the impugned order should not be construed as holding that the brother of the petitioner i.e. Vinod Kumar would be entitled to the estate



of the deceased-plaintiff/Jagdish Kumar. It is further submitted that the present revision petition be disposed of by clarifying that the said Vinod Kumar can only pursue the case which has been filed by the plaintiff/Jagdish Kumar with respect to his (Jagdish Kumar's) ownership and should not be permitted to raise independent pleas qua his own rights in the present proceedings and further be also clarified that after the decision of the suit, the fact as to who will inherit the estate of plaintiff/Jagdish Kumar be kept open and be decided in independent proceeding.

3. It is a matter of settled law that the impleadment of a person as a legal representative of a deceased to pursue the case is subject to just exceptions and is only for the purpose of pursuing the *lis* and the said legal representative cannot raise any independent plea qua his own rights in the said proceedings and no affirmative finding is required to be given with respect to the inheritance of the estate of the deceased. In the present case, the issue which is to be decided is as to whether the plaintiff/Jagdish Kumar is the exclusive owner of the property as claimed by him, which aspect is opposed by the petitioner as well as by his brother Yogesh Kumar. The other brother of the petitioner i.e. Vinod Kumar has not taken a stand against the deceased plaintiff and by virtue of the impugned order would only be pursuing the case of the plaintiff.

5. Keeping in view the above-said facts and circumstances, the impugned order is upheld with the clarification that the impugned order would not be construed as an adjudication of the right to inherit the estate

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of the plaintiff/Jagdish Kumar and the said aspect would be considered independently in separate proceedings. The said Vinod Kumar, as per the settled law, would only pursue the case on behalf of Jagdish Kumar and would not be entitled to raise any independent plea qua his own right in the suit property.

April 08, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No