



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

282

CR-3390-2024 (O&M)

Date of Decision: 05.08.2025

Mukesh Randhawa

...Petitioner

V/s

Laxmi (now deceased) through LR and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Akshay Jindal, Advocate and
Mr. Vishal Suri, Advocate, for the petitioner.

Mr. S.S. Salar, Advocate, for the respondents.

VIKRAM AGGARWAL, J (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails order dated 18.03.2024 (Annexure P-1), passed by the Court of Civil Judge (Jr. Divn.), Panchkula, vide which the application filed by respondent-plaintiff No.2 for being impleaded as legal representative of plaintiff No.1 (Smt. Laxmi) was allowed.

2. A suit for permanent injunction was instituted by the respondents-plaintiffs against the petitioner-defendant (Mukesh Randhawa). During the pendency of the suit, Smt. Laxmi expired which led to the filing of an application (Annexure P-3) by respondent-plaintiff No.2 for bringing him on record as legal representative of Smt. Laxmi. Reliance was placed in the application upon a Will dated 23.04.2008 on the basis of which, he prayed to be brought on record as legal representative of Smt. Laxmi.

3. The application was opposed by way of reply (Annexure P-4).

4. By way of the impugned order, the said application was allowed, leading to the filing of the instant revision petition.

5. I have heard learned counsel for the parties.



6. The sole argument raised by learned counsel for the petitioner is that in view of the provisions of Section 8 of the Punjab Security of Land Tenures Act, 1956 (for short the “1956 Act”), after the death of a tenant, only his wife and son are entitled to inherit the tenancy rights and, therefore, after the death of Smt. Laxmi, since she had died issueless, no right survives in favour of respondent-plaintiff No.2. He submits that under the circumstances, the application for impleading plaintiff No.2 as legal representative of plaintiff No.1 (Smt. Laxmi) was erroneously allowed.

7. *Per contra*, Mr. S.S. Salar, learned counsel representing the respondents submits that there is no illegality in the order, for, the application was allowed only for the purpose of pursuing the suit.

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

9. Concededly, the suit was filed by both Laxmi and Sarwan Singh (respondents). During the pendency of the suit, Smt. Laxmi is stated to have expired issueless on 12.08.2023 and an application was moved by plaintiff No.2 for bringing him on record as legal representative of Smt. Laxmi in view of Will dated 23.04.2008. By way of the impugned order, the trial Court allowed the application holding that plaintiff No.2 was the only existing legal heir of plaintiff No.1 (Smt. Laxmi), he being a Class II legal heir in terms of the provisions of the Hindu Succession Act, 1956. I do not find any illegality in the said order since the application was allowed only for the purpose of continuation of the suit. The issue as to whether in terms of the provisions of Section 8 of the 1956 Act, plaintiff No.2 would be entitled to inherit the tenancy rights or not, would be determined by the trial Court when the suit is decided on merits. There was no occasion for the trial Court to hold so at the



time of dealing with an application for bringing on record the legal representative of plaintiff No.1.

10. That being so, I do not find any merit in the instant revision petition and the same is accordingly dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

August 05, 2025
vcgarg

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