



In the High Court of Punjab and Haryana, at Chandigarh

Second Appeal Order No. 57 of 2019 (O&M)

Date of Decision: 12.03.2025

Dial Singh (Since Deceased) through his Legal Representatives

... Appellant(s)

Versus

Nasib Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Gurcharan Dass, Advocate
for the appellant(s).

Mr. Anil Kumar Garg, Advocate
for respondents No.1 to 3 and 4(b) to 4(d).

Mr. Kanwal Goyal, Advocate
for respondent No.7.

Anil Kshetarpal, J.

1. The plaintiff assails the correctness of the First Appellate Court's order remitting back the matter to the Trial Court for fresh decision.

2. The First Appellate Court has found that the inheritance of Sewa Singh, who died as a Bachelor, is in dispute. Pritam Kaur, sister of Sewa Singh, has not been impleaded as a party who was necessary. Hence, the First Appellate Court has remitted the matter back to the Trial Court.

3. The learned counsel representing appellant submits that on the question of validity of Will executed by Sewa Singh in favour of Surjit Kaur, wife of Nachhatar Singh, brother of Sewa Singh, there is a finding of the Trial Court that the aforesaid Will is not genuine. He submits that Surjit

Kaur herself never filed any appeal but that issue cannot be reopened.

4. This Court has considered the submissions of the learned counsel representing the parties.

5. The learned counsel representing the appellant does not dispute that Pritam Kaur is a necessary party to the suit. She has to be given an opportunity to defend the case. She is one of the Class-II heirs of Sewa Singh. There was no Class-I heir of Sewa Sigh.

6. Keeping in view the aforesaid facts, no ground is made out to interfere with the judgment of the First Appellate Court. Hence, the present appeal is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

March 12, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No