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

(127)

CR-343-2025

Date of Decision: - 21.01.2025

Amrit Lal Jain (deceased) through his LRs**....Petitioners****Versus****Shubham Jain and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Rishav Jain, Advocate, for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 04.10.2024 (Annexure P-5) passed by the Civil Judge (Junior Division), Malerkotla.

2. Admittedly, Amrit Lal Jain was defendant No.1 in the suit and he had died. Petitioners are sons of Amrit Lal Jain and had been impleaded as LRs. Third son of Amrit Lal Jain had moved an application under Order 1 Rule 10 CPC for impleading him also as a party by stating that he was also a legal representative of Amrit Lal Jain. The said application was allowed vide order dated 04.10.2024 (Annexure P-5) by the trial Court. A perusal of the said order would show that the said application was not opposed by the plaintiff, who is dominus litus. It is surprising that the present petitioners, who are also brothers of said Ajay Jain, who has been impleaded, have opposed the said application and



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have now filed the present revision petition.

3. The primary reason for filing the same, as stated by learned counsel for the petitioners, is that there is a Will in favour of the present petitioners. It is a matter of settled law that the said Will is not to be adjudicated in the present proceedings and it is only the *lis* between the plaintiff Subham Jain and Amrit Lal Jain and the issues arising in the same which are required to be adjudicated in the present trial. The question as to who is to inherit the estate of Amrit Lal Jain is not be considered in the present proceedings and the sons of Amrit Lal Jain have been brought on record only to defend the suit on his behalf. Moreover, since the plaintiff is dominus litus, it is up to the plaintiff to implead all the parties which he finds are necessary for the proper and final adjudication of the case. The said plaintiff has not opposed the application filed by Ajay Jain for impleadment and the Court would be able to properly and finally adjudicate the case if all the sons of Amrit Lal Jain are impleaded as parties.

4. In view of the above, this Court is of the opinion that the impugned order dated 04.10.2024 (Annexure P-5) is in accordance with law and the present revision petition being meritless, deserves to be dismissed and is accordingly dismissed.

January 21, 2025
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No