



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

CR-9414-2025

Date of Decision:22.12.2025

KULWANT SINGH AND ANOTHER

...Petitioners

Vs.

PRABHJIT SINGH

...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Vaibhav Sehgal, Advocate for the petitioners.

VIRINDER AGGARWAL, J. (Oral)

1. The present civil revision petition has been filed assailing the order dated 14.11.2025 (Annexure P-6), whereby the application filed under Order I Rule 10 CPC read with Section 151 CPC for impleading the legal representatives of the deceased as necessary party was dismissed. The suit was instituted by the son and daughter of late Gurbax Singh claiming inheritance to his estate, while excluding another son, namely Surinderpal Singh. Subsequently, Kulwant Singh filed an application under Order I Rule 10 CPC seeking impleadment of Surinderpal Singh as a necessary party, which application came to be dismissed vide the impugned order.

2. The learned Civil Judge dismissed the application on the reasoning that the declaration sought was only to the effect that the Will dated 22.02.2018 is false and fabricated and that the said Will has no connection with the father of Prabhjit Singh; therefore, there was no necessity to implead Surinderpal Singh, the father of the beneficiary Prabhjit Singh.

3. I have heard counsel for the petitioner and have gone through the paper-book carefully.



4. Since the petitioners/applicants/plaintiffs have filed the suit for declaration claiming inheritance to the estate of late Gurbax Singh (father), while challenging the Will allegedly executed in favour of Prabhjit Singh (their nephew), another son of the deceased Gurbax Singh/natural legal heir, namely Surinderpal Singh was left out at the time of institution of the suit. Consequently, an application was moved seeking permission of the Court to implead Surinderpal Singh as a necessary party to the present suit.

5. In view of the fact that, in the event the Will is set aside, the inheritance would devolve upon the natural heirs, Surinderpal Singh would be entitled to a one-third share in the estate of late Gurbax Singh. Consequently, he is indisputably a necessary party to the present suit. The impugned order is vitiated by illegality, as the learned Civil Judge failed to exercise the jurisdiction vested in her under law. In such circumstances, interference with the impugned order is fully warranted in the revisional jurisdiction of this Hon'ble Court.

6. In view of the foregoing discussion and the facts on record, the impugned order is hereby set aside. The application filed by the petitioners seeking impleadment of Surinderpal Singh as Defendant No. 2 is allowed, and the necessary directions are issued to implead him as a party to the present suit, so that he may have an opportunity to be heard and the matter may proceed in accordance with law.

(VIRINDER AGGARWAL)
JUDGE

22.12.2025

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