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

CR-6826-2018

Date of decision: 23.03.2026

Swaran Singh and another

...Petitioners

Versus

Pritam Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Siddharth Gupta, Advocate for the petitioners.
Mr. Tarun Singla, Advocate for the respondents.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 23.08.2018 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Phul, District Bathinda, whereby the application filed by the respondents/plaintiffs under Order 22 Rule 4 CPC has been allowed.

2. Learned counsel for the petitioners has submitted that the petitioners are son-in-law and niece of the original defendant and has submitted that in case the petitioners are to be impleaded as legal representatives of the said deceased Mukhtiar Kaur then it be clarified that the same would only be for the purpose of defending the case and subject to just exceptions and all the pleas as to whether the said legal representatives would be liable to pay decretal amount, if any, be kept open. It is further submitted that as per the petitioners, the present suit is not maintainable in view of the fact that the sole defendant has died. It is submitted that the petitioners be permitted to file an appropriate application, in accordance with law, on the said aspect.

3. Learned counsel for the respondents has submitted that in case the



petitioners have inherited the estate of deceased Mukhtiar Kaur, then, it be also clarified that in appropriate proceedings, the respondents would be entitled to proceed against the said estate which may have been inherited by the petitioners. It is submitted that in case any application for rejection of the plaint is filed then liberty be also granted to the plaintiffs to raise all the pleas in accordance with law.

4. Keeping in view the abovesaid facts and circumstances and fair stand taken on behalf of the petitioners as well as on behalf of the respondents, the present revision petition is disposed of with the following observations/directions:-

- i) The order vide which the petitioners have been impleaded as legal representatives of deceased Mukhtiar Kaur is only for the purpose of defending the rights of Mukhtiar Kaur and the same would be subject to just exceptions. All questions with respect to inheritance of the estate of Mukhtiar Kaur and all rights and liabilities arising regarding the same would be determined in appropriate proceedings.
- ii) It would be open to the petitioners, who are pursuing the suit on behalf of Mukhtiar Kaur, to move an appropriate application for rejection of the plaint. In case any such application is filed, it would be open to both the parties to raise all the pleas which are available to them and the trial Court would consider and decide the same in accordance with law.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

23.03.2026

Pawan

**(VIKAS BAHL)
JUDGE**

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