



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CR-2673-2026(O&M)
Date of decision: 02.04.2026

Sukhdev Singh @ Ranjodh (since deceased) through LR

...Petitioner(s)

Vs.

Sat Pal (since deceased) through LRs & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rajan Bansal, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition under Article 227 of the Constitution of India has been filed by the applicant/proposed defendant seeking setting aside of the order dated 06.03.2026 (Annexure P5) passed by learned Civil Judge (Junior Division), Bathinda/Executing Court, whereby application filed by the petitioner to implead him as LR of defendant/judgment debtor, has been dismissed.

2. It is inter alia submitted by learned counsel for the petitioner that the learned Executing Court was in patent error in dismissing the application filed by the petitioner as it failed to appreciate that the deceased judgment debtor namely Sukhdev Singh@ Ranjodh Singh had executed the Khangri Will dated 22.06.2004 (Annexure P3) in favour of the petitioner in respect of the



suit property. As such, the petitioner had valid right to pursue the Execution Application being LR of the judgment debtor. It is submitted that the said Will had been executed by the judgment debtor in favour of the petitioner in respect of the suit property in view of the services rendered by the petitioner to the deceased judgment debtor Sukhdev Singh @ Ranjodh Singh.

3. On a Court query, learned counsel for the petitioner has admitted that judgment debtor Sukhdev Singh @ Ranjodh Singh has left behind his natural LRs, the same being Raj Singh @ Balraj Singh (son) and Harjot Kaur @ Guddi (daughter).

4. It is further submitted that in view of the above-said Will dated 22.06.2004, the petitioner is entitled to pursue the Execution Application being legal heir of Sukhdev Singh. It is further submitted that the said Will has not been challenged or disputed by anyone, in any manner till date, before any competent authority and it is the first and the last Will of the deceased.

5. Ld. counsel further submits that even otherwise, the impugned order is not maintainable in terms of judgment of this Court in **Sunil Kumar Jain v. Abdul Karim, (P&H) : Law Finder Doc ID # 23886**, wherein it is held that:

"2. Briefly put, Amar Nath, predecessor in-interest of the petitioners filed appeal against the order of the Rent Controller dated January 27, 1984 before the Appellate Authority, Sangrur. During the pendency of the appeal, Amar Nath died on July 5, 1984. The petitioners, who are his grand-sons, claimed to have succeeded to the estate of the deceased on the basis of Will dated



March 9, 1973, and filed an application on September 7, 1984, for being impleaded as legal representatives of deceased Amar Nath the appellant. Another application claiming themselves to be the legal representatives was filed by Shrimati Naroti Devi, widow, Shrimati Padma Devi, Shrimati Sudesh Jain and Shrimati Nirmal Aggarwal, daughters, on January 25, 1985. The appellate Authority instead of holding a summary enquiry as to the respective claims of each set of legal representatives chose to hold regular trial to find out as to who of these are entitled to be impleaded as legal representatives of Amar Nath, deceased. The Appellate Authority, Proceeding in this manner, finally held that the Will as set up by the petitioners, is not proved thereby holding that the petitioners have got no right to represent the deceased-appellant. The application filed by Shrimati Norati Devi and others for being brought on record as legal representatives, too, was dismissed being not within limitation.

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6. I find merit in the contention raised by the learned counsel for the petitioners as regards scope of enquiry in terms of Order 22 Rule 5 of the Civil procedure Code. There was no need to hold an elaborate enquiry which is domain of Civil Court. Even if the Appellate Authority had any doubt about the genuineness of the Will, it could safely implead Shrimati Norati Devi and others for purposes of the eviction application leaving the parties to get their claims determined in a Civil Court. Order rejecting both the applications for being impleaded as parties is wrong. Article 120 of the Limitation Act is not applicable as held in Shrimati Kesri Bai's case (supra).



7. Legal representative' as defined in Section 2(11), of the Civil Procedure Code means "a person who in law represents the estate of a deceased person and includes any person who inter meddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate evolves on the death of the party so suing or sued. " As is clear from this definition, even a person who inter meddles with the estate of the deceased has a right to sue and represent him."

6. It is submitted that the aforesaid view has been reiterated by this Court in **Charanjit Singh v. Bharatinder Singh, (P&H) : Law Finder Doc ID # 52454; Sewa Singh v. Chanan Singh, (P&H) : Law Finder Doc ID # 121005;** and in **Deepinder Kaur v. State of Haryana, (P&H) : Law Finder Doc ID # 50521;** and upheld by the Hon'ble Supreme Court in **Suresh Kumar Bansal v. Krishna Bansal (SC) : Law Finder Doc ID # 207846.**

7. It is accordingly prayed that the impugned order be set aside.

8. No other argument is made on behalf of the petitioner. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the petitioner.

9. Brief facts of the case in chronological order are as under: -

01.12.1998: Vide judgment and decree dated 01.12.1998 passed by learned Additional District Judge, Bathinda, Civil Suit filed by plaintiff/respondent was decreed for permanent prohibitory and mandatory injunction directing the defendant to demolish and remove construction illegally raised on a portion of



the suit land; with further direction that in case of default, the decree holder/plaintiff shall be entitled to get the same demolished through due process of law at the cost of defendant.

17.12.1998: Against the aforesaid judgment and decree dated 01.12.1998, Sukhdev Singh @ Ranjodh Singh had preferred RSA-3848-1998 titled as "Sukhdev Singh @ Ranjodh Singh Vs. Sat Pal", in which notice was issued vide order dated 17.12.1998 (Annexure P1), while further directing that "*Execution of the decree shall remain stayed till further orders.*"

25.11.2017: Sukhdev Singh @ Ranjodh Singh had died on 25.11.2017.

13.03.2024: Vide order dated 13.03.2024 (Annexure P2), RSA-3848-1998 filed by the defendant/judgment debtor was dismissed for non-prosecution. Therefore, decree dated 01.12.1998 had attained finality and become executable.

Nil: Consequentially, the decree holder/respondent had filed instant Execution Petition No.340-2025.

18.09.2025: In the said execution petition, vide order dated 18.09.2025, Local Commissioner was appointed.

28.11.2025: Local Commissioner had submitted his Report dated 28.11.2025, as per which, decree could not be executed for the reasons as recorded in the impugned order to the effect that: -

"1. Presence of household items and livestock within decretal property.



2. Necessity of demarcation by the revenue department.

3. Obstruction by family members of JD.

The LC Surinder Kumar has also appended photographs of the sight and concluded in the report that demarcation of the suit property is necessary for demolishing of the property.”

15.12.2025: It is at this stage that the petitioner moved the instant application dated 15.12.2025 (Annexure P4) under Order 22 Rule 3 read with Section 151 CPC to be impleaded as the LR of JD-Sukhdev Singh @ Ranjodh Singh.

06.03.2026: Vide impugned order dated 06.03.2026 (Annexure P5), said application of the petitioner has been dismissed.

10. The petitioner is claiming that his application for impleadment in the execution proceedings has been wrongly dismissed as petitioner is LR of the JD by way of Will dated 22.6.2004. However, it is my view that the case set up by the petitioner on the face of it appears to be an effort to defeat the decree in favour of the respondent as, even despite repeated Court queries, Id. counsel for the petitioner has been unable to give any explanation whatsoever, as to why, despite having Will dated 22.6.2004 in his favour, the petitioner had not approached the Court after death of Sukhdev Singh on 25.11.2017. Even RSA-3848-1998 came to be dismissed on 13.03.2024. Whereas petitioner has moved the instant application only thereafter on 15.12.2025. No reason is forthcoming from the petitioner in this regard as to why he remained hidden and did not emerge during all these 8 long years from 2017 till 2025 and did



not join court proceedings. Therefore, this casts a shadow of doubt on the alleged Will suddenly produced by the petitioner on 15.12.2025.

11. Moreover, the petitioner is seeking impleadment on the basis of Khangsi Will dated 22.06.2004. Firstly, even assuming such a Will was indeed executed by JD, even then a Khangsi Will is only a person and private arrangement between the parties. The petitioner has been unable to show as to what legal validity such a Khangsi Will would have. The authenticity of the said Will is admittedly not proven by the petitioner before any Court of law.

12. Furthermore, Sukhdev Singh had died only on 25.11.2017. Even otherwise, it appears to be highly improbable and unlikely that Sukhdev Singh will execute a Will in favour of the petitioner 13 years prior to his death. It is also admitted fact that Sukhdev Singh has natural-born LRs. Petitioner has been unable to give any explanation as to why JD would execute the said Will in favour of the petitioner, despite the fact that he has natural born children of his own. It has also been admitted by learned counsel for the petitioner that the decree holder has already impleaded the legal heirs of judgment debtor Sukhdev Singh. Again, no reason has been given by the petitioner as to why petitioner also being alleged LR of Sukhdev Singh, was not impleaded along with the other natural-born LRs of JD. The impugned order also records the contention of the decree holder that the petitioner has no concern with the JD or the property of JD; and he has come into picture only after initiation of the execution proceedings.



13. Moreover, the Will dated 22.06.2004 (Annexure P3) is related to Khasra No.3722; whereas the decretal property is Khasra No.3723/3. It is also recorded by the Local Commissioner in his Report dated 28.11.2025 that the natural-born LRs of the JD are creating obstruction in the execution of the decree. In the conspectus of all of the abovesaid facts read together, this Court is constrained to observe that from the above facts, it would appear that the petitioner has been set up by the LRs of Sukhdev Singh to obstruct the execution of the decree dated 01.12.1998.

14. Relevant observations of the learned Executing Court in the impugned order are as follows:-

“I have heard both the counsel at length and I have gone through the file carefully and minutely. Perusal of the judgment dated 05.12.1995 as well as the judgment and decree in appeal dated 01.12.1998 reveals that same are with respect to Khasra no. 3723/3 min and the plaintiff now DH was declared to be owner of the suit property i.e. Khara no. 3723/3 plot measuring 525 sq. yards. At that time Sukhdev Singh-defendant now deceased JD could not establish his right, title or interest over the suit property, his claim with respect to Khasra no. 3722 remained unproved and moreover, it had nothing to do and no concern with the suit property in the question i.e. in Khasra no. 3723/3. The natural heirs of Sukhdev Singh have already been impleaded as Lrs in the present execution application namely Harjot Kaur and Raj Singh. The claim of the applicant Ravinder Singh is grounded only on the basis of unregistered Will Khanagi and original thereof has not been produced on record. Moreso, same relates to khasra no.



3722 which has totally no concern with suit property of DH comprising in Khasra no. 3723/3.

Therefore, in view of my above discussion, the applicant is not entitled to be impleaded as LR of deceased JD since he has failed to establish his right, title or interest in the suit property.”

15. In the above noted, peculiar facts and circumstances of the present case, reliance placed by learned counsel for the petitioner on the judgments in **Sunil Kumar (supra), Charanjit Singh (supra), Sewa Singh (supra), Deepinder Kaur (supra) and Suresh Kumar Bansal (supra)**, is misplaced as all of the said judgments are distinguishable on facts and law.
16. In view of the above, present Civil Revision Petition stands **dismissed.**
17. Pending application(s) if any also stand(s) disposed of.

02.04.2026
Sunena

(Nidhi Gupta)
Judge

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