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

(286)

CR-1150-2021

Date of decision: - 07.05.2026

Mohan Lal and others

....Petitioners

Versus

Nathi Ram through LR and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Raj Partap Singh Brar, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 19.04.2021 (Annexure P-1) passed by the Additional Civil Judge (Sr. Division), Ambala.

2. Nathi Ram-respondent No.1/plaintiff had filed a suit for declaration to the effect that blood relation transfer deeds bearing no.787 dated 21-8-18, deed no.1093 dated 16-10-2018, 1161 dated 2-11-2018 and mutation number 556, 560, 561 sanctioned on their basis and further alienation vide deed no.1591 & mutation no.570 along with sale deed no.1543 dated 29-1-2019 and its mutation bearing no.567 are illegal, void, ineffective being act of misrepresentation/fraud and are not binding



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upon the legal rights of the plaintiff/respondent No.1 and defendant no.4 and are liable to be ignored/set aside. In the alternate, other reliefs had also been sought.

3. The said Nathi Ram died during the pendency of the suit. It is not in dispute that defendant No.2 has supported the case of the plaintiff, whereas, the present petitioners, who are defendants No.1 and 1(a) to 1(d) had contested the suit of the plaintiff. The said defendant No.2/Sohan Lal moved an application for transposing him as plaintiff. On 16.03.2021, counsel for the said Sohan Lal had made a statement to the effect that the said application be treated as LR application. The trial Court allowed the defendant No.2 to pursue the case of the plaintiff after observing that his interest was not adverse to the interest of plaintiff, whereas, since the interest of the present petitioners was adverse thus, they could not been allowed to pursue the case although petitioner No.1 was also the son of Nathi Ram.

4. It is a matter of settled law that a person, whose interest is adverse to the plaintiff, cannot be permitted to pursue the case of the plaintiff and in the said circumstances, the impugned order has been correctly passed.

5. Learned counsel for the petitioners has submitted that the petitioners have filed the present revision petition as they have an apprehension that since defendant No.2 has been ordered to be impleaded as LR and has been permitted to pursue the case, the same should not be construed that it is the said defendant No.2 who is entitled to the estate of



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deceased-Nathi Ram. It is submitted that with the said clarification, the present revision petition be disposed of.

6. Notice of motion was issued to the respondents. No one has appeared on behalf of the private respondents in spite of due service.

7. It is further a matter of settled law that impleadment of a legal representative to pursue the case on behalf of the original party/plaintiff cannot be construed as holding the said legal representative entitled to the estate of the deceased. In the present case, it is the plea of Nathi Ram which is to be adjudicated by the trial Court. Thus, while upholding the impugned order, it is clarified that it would be open to petitioner No.1 as well as other legal representatives of Nathi Ram to agitate their rights with respect to estate of Nathi Ram in an independent proceeding.

8. In view of the above, the present revision petition stands disposed of.

May 07, 2026
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No