

(115) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-9931-2025

Date of Decision:25.02.2026

S. N. EDUCATIONAL TRUST

...Petitioner

Vs.

BRAHMAN SABHA HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India, seeking to set aside the impugned order dated 15.10.2025 (Annexure P-7), whereby the application under Order I Rule 10 CPC filed by Defendant No.4, Ravinder Sharma, for impleading him in place of the deceased President of the plaintiff-society, was allowed. The petitioner contends that the said order was passed in an illegal and arbitrary manner, without proper appreciation of the facts and evidence on record by the learned Trial Court.

2. Briefly stated, the suit was filed by the Brahman Sabha, Haryana, through its President, Baljit Sharma, seeking a declaration and mandatory injunction, along with consequential relief of permanent injunction. The suit was contested by the petitioner/defendant No.2. During the pendency of the suit, when the matter was posted for the evidence of the plaintiff, an application was filed by one Ashwani Sharma, claiming to have been appointed as the President of the plaintiff society vide a Board Resolution dated 09.06.2024. This application was subsequently withdrawn by the

counsel for the plaintiff on 09.04.2025, with the statement that the President of the plaintiff society had been changed. Thereafter, the plaintiff/Sabha, allegedly in collusion with defendant No.4, filed another application seeking to implead defendant No.4 in place of the deceased President of the plaintiff society and to delete the name of defendant No.4 from the array of defendants. The petitioner/defendant No.2 strenuously contested the application, raising a specific plea that defendant No.4 could not be impleaded or substituted in place of the President of the plaintiff society, and that such impleadment was not permissible under law. Despite the objections and specific contentions raised by the petitioner, the learned Civil Judge, without adequately considering the legal and factual objections, allowed the application vide the impugned order dated 15.10.2025. The petitioner contends that the order was passed in a legally unsustainable manner, ignoring both the objections and the evidence on record, thereby causing prejudice to the petitioner. Aggrieved by the said order, the petitioner has filed the present revision petition.

3. Learned counsel for the petitioner further contended that the learned Civil Judge committed a grave legal error by failing to consider that, in the original suit, the plaintiff society had specifically claimed relief against Defendant No.4 in the form of a mandatory injunction directing Defendant Nos. 3 to 6 to appoint a Pujari for worship and to look after the temple as well as its property. When a relief has been claimed against Defendant No.4, it is legally impermissible for the same person to be impleaded as the President of the plaintiff society. It was further submitted that the learned Civil Judge overlooked the earlier application filed by Ashwani Sharma, claiming himself to be the President of the plaintiff society, which had been withdrawn without

seeking permission to file a fresh application on the same grounds. Moreover, the petitioner emphasized that the suit of the plaintiff society stood abated, as the legal heir of the deceased President was not impleaded within 90 days from the date of death of the President, as required under Order XXII Rule 3 CPC read with Article 120 of the Limitation Act, 1963. In view of this, the present suit cannot be said to be maintainable, and the plaintiff society lacks locus standi to continue the proceedings or to file the application for impleading defendant No.4 as its President.

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

5. Vide the impugned order, the learned Civil Judge has allowed the application, whereby defendant No.4 has been ordered to be impleaded as the President of the plaintiff society, with the name of the defendant No.4 being deleted from the array of defendants. The contention of the learned counsel for the petitioner that the suit stands abated as the legal representatives of the deceased President were not impleaded within the stipulated period of 90 days, as per Order XXII Rule 3 CPC, is, however, misconceived. The said contention appears to have been raised in ignorance of the amendment to sub-rule (2) of Rule 3 of Order XXII CPC, as made by this Court vide GSR 14/C85/1908/S112/92, which clarifies the provisions regarding the impleadment of legal representatives in cases where a party to the suit has died. The same are reproduced as follows:

Punjab, Haryana and Chandigarh.-In Order XXII in rule 3, for sub-rule (2), substitute the following sub-rule, namely: -

(2) Where within the time limited by law no application is made under sub-rule (1) the suit shall not abate as against the deceased plaintiff and the judgment may be pronounced

notwithstanding his death which shall have the same effect as if it has been pronounced before the death took place, and the contract between the deceased and the pleader in that event shall continue to subsist."

[Vide GSR 14/C.A. 5/1908/5. 112/92, dated 21st February, 1992.)

4. Procedure in case of death of one of several defendants or of sole defendant.

-(1) Where one of two or more defendants dies and the right to sue does not survive against the surviving defendant or defendants alone, or a sole defendant or sole surviving defendant dies and the right to sue survives, the Court, on an application made in that behalf, shall cause the legal representative of the deceased defendant to be made a party and shall proceed with the suit.

(2) Any person so made a party may make any defence appropriate to his character as legal representative of the deceased defendant. (3) Where within the time limited by law no application is made under sub-rule (1), the suit shall abate as against the deceased defendant.

(4) The Court whenever it thinks fit, may exempt the plaintiff from the necessity of substituting the legal representatives of any such defendant who has failed to file a written statement or who, having filed it, has failed to appear and contest the suit at the hearing, and judgment may, in such case, be pronounced against the said defendant notwithstanding the death of such defendant and shall have the same force and effect as if it has been pronounced before death took place.

[(5) Where-

(a) the plaintiff was ignorant of the death of a defendant, and could not, for that reason, make an application for the substitution of the legal representative of the defendant under this rule within the period specified in the Limitation Act, 1963 (36 of 1963), and the suit has, in consequence, abated, and

(b) the plaintiff applies after the expiry of the period specified therefor in the Limitation Act, 1963 (36 of 1963), for setting aside the abatement and also for the admission of that application under section 5 of that Act on the ground that he had, by reason of such ignorance, sufficient cause for not making the application within the period specified in the said Act,

the Court shall, in considering the application under the said section 5 have due regard to the fact of such ignorance, if proved.”

6. As per the amended provision of Order XXII Rule 3 CPC, the suit does not abate merely by the lapse of time in impleading the legal representatives, and in view of the further amendments to the Rules, the counsel of the plaintiff society is entitled to continue with the suit.

7. The contention that the order is bad on the ground that defendant No.4 was already a party to the suit and that a specific relief had been claimed against him is without merit. In the present case, the suit has been filed against certain acts of the defendants, and the specific relief was claimed against defendant Nos. 3 to 6. With the change of circumstances, defendant No.4 has been appointed as President of the plaintiff society. Being the master of its own suit, the plaintiff society is entitled to request deletion of the name of any defendant from the array of parties and to choose any individual as its President, irrespective of the fact that relief had earlier been claimed against that individual along with others.

8. In the present case, the plaintiff society continues to prosecute the suit, and defendant No.4, having been elected as its President, has been substituted in that capacity. He has not been arrayed as a plaintiff, nor has there been any transposition of parties under Order XXIII Rule 1 CPC. The substitution merely reflects the election of defendant No.4 as President of the plaintiff society after the death of the earlier President, and his name has been appropriately substituted in place of the deceased President.

9. In view of the above, the impugned order does not suffer from any illegality or material irregularity and, therefore, does not call for any interference in the revisional jurisdiction, and is hereby dismissed.

(VIRINDER AGGARWAL)
JUDGE

25.02.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No