



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CR No. 6675 of 2025

Date of Decision : 19.09.2025

M/s HDFC Bank Ltd.

...Petitioner

Versus

Sh. Prem Chand and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Gurveer Singh Sidhu, Advocate
for the petitioner.

Amarinder Singh Grewal, J. (Oral)

1. The present Civil Revision Petition has been filed by the petitioner under Article 227 of the Constitution of India for setting-aside the impugned order dated 04.09.2025 passed by the learned Civil Judge (Jr. Divn.), Derabassi in CS No. 156 of 2016, whereby the application under Section 151 CPC filed by the petitioner-plaintiff for directing respondent-defendant No. 2-Sunny Garg to disclose the legal representatives and produce the death certificate of respondent-defendant No. 1-Prem Chand was dismissed.

2. Brief facts of the case are that the petitioner-plaintiff-M/s HDFC Bank Ltd. filed a Civil Suit No. 156 of 2016 for recovery of ₹3,43,569.67/- along with interest @ 24% per annum against Prem Chand and others i.e. the respondents-defendants. The suit was dismissed in default on 15.02.2018 due to non-appearance of counsel for the petitioner-plaintiff-bank but was restored on 01.07.2019 upon an application under Order 9 Rule 4 CPC. Thereafter, the respondents-defendants contested the suit by filing their



written statement, issues were framed on 23.01.2020 and the matter was adjourned for petitioner-plaintiff's evidence.

3. During pendency of the suit, an application under Section 151 CPC was filed by the petitioner-plaintiff-bank seeking a direction to respondent-defendant No. 2-Sunny Garg to disclose the legal heirs of deceased respondent-defendant No. 1-Prem Chand and produce his death certificate.

4. Notice of the said application was given to respondent-defendant No. 2-Sunny Garg, who filed the reply and took objections regarding the maintainability and had further submitted that the said application has been filed only to delay the proceedings of the case.

5. On 04.09.2025, learned trial Court after hearing the respective submissions of the counsel for the parties dismissed the application of the petitioner-plaintiff-bank on the grounds that (i) the fact of death was already on record, (ii) six years had elapsed since then and (iii) the case was pending for evidence where the plaintiff had already been granted last opportunity. The said order dated 04.09.2025 is under challenge in the present civil revision petition.

6. In view of the order proposed to be passed, notice is not being issued to the respondent as it would unnecessarily delay the proceedings and also entail additional expenses for the respondents.

7. The only question for consideration before this Court is whether the trial Court could have dismissed the application for directing the respondent-defendant No. 2-Sunny Garg to disclose the legal heirs of respondent-defendant No. 1-Prem Chand or not. It has come on record that



respondent-defendant No. 1-Prem Chand expired on 07.01.2012. It is also not in disputed that respondent-defendant No. 2-Sunny Garg is the grandson of respondent-defendant No. 2 Prem Chand and has claimed to have inherited the demised premises which was the subject matter of tenancy between the petitioner-plaintiff-bank and Prem Chand.

8. In these circumstances, this Court is of the view that it is the duty of respondent-defendant No. 2-Sunny Garg, who is the grandson of respondent-defendant No. 1-Prem Chand, to disclose the details of all the legal heirs of deceased Prem Chand as Prem Chand had expired on 07.01.2012 as alleged by respondent-defendant No. 2. Rather, this Court is also of the view that the behavior of Sunny Garg is non-cooperative and he cannot be permitted to defeat the legitimate claim of the plaintiff-bank.

9. Accordingly, the impugned order dated 04.09.2025 is hereby set-aside. Respondent-defendant No. 2 Sunny Garg is directed to disclose on affidavit the names and addresses of all legal heirs of deceased Prem Chand before the learned trial Court. It is clarified that after disclosing the names of the legal heirs of deceased Prem Chand only, the petitioner-plaintiff-bank can lead its evidence before the learned Court below.

10. Civil Revision Petition is allowed in above terms.

11. Pending miscellaneous application, if any, also stands disposed of.

September 19, 2025

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(AMARINDER SINGH GREWAL)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No