



CR-1390-2025; CR-5132-2023 (O&M) -1-
CR-5304-2023 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(220)

1. CR-1390-2025

Surjit Singh (deceased) through legal heirs ...Petitioner

Versus

Rajiv Malhotra and othersRespondents

2. CR-5132-2023 (O&M)

Jasvir Kaur and others ...Petitioners

Versus

Harvinder Singh and anotherRespondents

3. CR-5304-2023 (O&M)

Surjeet Singh (since deceased) through his LRs ...Petitioners

Versus

Harvinder Singh and anotherRespondents

Date of decision: - 30.07.2025

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sunny K. Singla, Advocate,
for the petitioner in CR-1390-2025 and
for respondent No.2 in CR-5132-2023 & CR-5304-2023.

Mr. Abhishek Singla, Advocate
for the petitioners in CR-5132-2023 & CR-5304-2023, and
for respondents No.6 to 8 in CR-1390-2025.

Mr. Bhavdeep Modi, Advocate
for respondents No.1 to 4 in CR-1390-2025.

VIKAS BAHL, J. (ORAL)

CR-1390-2025

1. Present civil revision has been filed under Article 227 of the



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Constitution of India for setting aside the impugned order dated 07.12.2024 (Annexure P-7) passed by the Additional Civil Judge (Senior Division), Malerkotla.

2. On 06.03.2025, this Court was pleased to pass the following order: -

*“Present:- Mr. Sunny K. Singla, Advocate
for the petitioner.*

On the oral request of learned counsel for the petitioner, Jasvir Kaur wife of Davinder Singh; Amandeep Kaur wife of Palwinder Singh, both residents of village Jalan, Tehsil and District Sangrur; and Lakhwinder Singh son of Gurmail Kaur, resident of Patti Bajwa, village Khudi, Tehsil and District Barnala, are ordered to be impleaded as respondents No.6, 7 and 8.

Learned counsel for the petitioners has submitted that in the present case, Surjit Singh and Sher Singh had originally filed a suit for a decree of mesne profits/damages which was decreed vide judgment and decree dated 05.01.2018 and an appeal was filed by the defendants No.1 and 2, which was dismissed vide judgment and decree dated 03.08.2023. It is further submitted that during the pendency of the said appeal, since Surjit Singh had died, thus, two sets of LRs were impleaded as parties, one being Balwinder Singh and others being the newly added respondents No.6 to 8. It is further stated that Balwinder Singh had also died and the present petitioners (who have filed the present petition) are the wife and sons of the said Balwinder Singh. It is further stated that Balwinder Singh had a registered Will from Surjit Singh and it is on that basis that Balwinder Singh was claiming the estate of Surjit Singh and that added respondents have challenged the said registered Will by filing a civil suit. It is submitted that in case in pursuance of the execution proceedings, the amount of mesne profits is credited to the estate of other LRs i.e. newly added respondents No.6 to 8, then, the same would prejudice the rights of the petitioners.

Notice of motion for 24.03.2025.

Liberty is granted to the petitioners to serve the respondents



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through dasti process as well as through the counsel appearing for them before the executing Court.

It is made clear that the pendency of the present revision petition would not come in the way of the Executing Court in proceeding in the matter.

To be taken up in the urgent list.

March 06, 2025”

3. Learned counsel appearing for contesting respondents No.6 to 8, who have already been impleaded as legal representatives and are pursuing the execution proceedings, has fairly submitted that the impugned order dated 07.12.2024 passed by the Executing Court vide which the prayer made by the petitioners for also being impleaded as the legal representatives of Surjit Singh has been rejected, be modified to the extent that the petitioners be also impleaded as legal heirs of Surjit Singh subject to all just exceptions and they also be permitted to pursue the execution proceedings along with the respondents No.6 to 8, who are the contesting respondents in the present revision petition and as far as the execution is concerned, the petitioners and the contesting respondents No.6 to 8 are both wanting the execution to be successful. It is further submitted that once the execution proceedings are finalized and the amount of decree is realized, then, the executing Court be directed to put the said amount in a FDR getting the highest rate of interest in a Nationalized Bank and the parties would be entitled to the said amount after the final decision in Civil Suit No.14 of 2020, which is pending between the parties with respect to the inheritance of the estate of



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deceased-Surjit Singh.

4. Learned counsel for the petitioner has submitted that in view of the said stand taken on behalf of the contesting respondents No.6 to 8, the present petition be allowed in the said terms.

5. Keeping in view the above-said facts and circumstances, the present revision petition is partly allowed and the order dated 07.12.2024 (Annexure P-7) passed by the Additional Civil Judge (Senior Division), Malerkotla is modified to the extent that the present petitioner(s) would also be impleaded as legal representatives of Surjit Singh, subject to all just exceptions and would be permitted to pursue the execution proceedings along with respondents No.6 to 8 and once the decretal amount along with interest is realized by the executing Court, then, the executing Court would deposit the same in a FDR getting highest rate of interest in a Nationalized Bank. The said amount would be distributed, as agreed between both the counsel for the contesting parties, after the right of the parties are determined in the Civil Suit No.14 of 2020 and after the said suit is adjudicated.

**CR-5132-2023 and
CR-5304-2023**

1. Both the above-said revision petitions, i.e., CR-5132-2023 and CR-5304-2023 have been instituted by Jasvir Kaur, Amandeep Kaur and Lakhwinder Singh. First petition bearing CR-5132-2023 has been instituted by the said persons in their individual capacity and second petition bearing CR-5304-2024 has been instituted by the said persons showing themselves as legal representatives of Surjit Singh. Challenge in both the said revision



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petitions is to similar orders dated 19.07.2023 passed by the Executing Court while executing two separate decrees in favour of Surjit Singh. In both the said petitions, the prayer made by the above-said named petitioners is for impleading them as legal representatives of the said Surjit Singh before the executing Court along with respondent No.2-Balwinder Singh, who had already been impleaded as legal representative of Surjit Singh. The above-said petitioners are the contesting respondents No.6 to 8 in CR-1390-2025.

2. Learned counsel appearing for the LRs of contesting respondent No.2 has fairly submitted that the impugned order dated 19.07.2023, passed by the Executing Court, vide which the prayer made by the petitioners for also being impleaded as legal representatives of Surjit Singh has been rejected, be modified to the extent that the petitioners be also impleaded as legal heirs of Surjit Singh subject to all just exceptions and they be also permitted to pursue the execution proceedings along with respondent No.2 (now LRs), who is the contesting respondent in the present revision petitions and as far as the executions are concerned, the petitioners and the respondent No.2 (now LRs) are both wanting the executions to be successful. It is submitted that once the execution proceedings are finalized and the amounts of decrees are realized, then, the executing Court be directed to put the said amounts in FDRs getting the highest rate of interest in a Nationalized Bank and the parties would be entitled to the said amounts after the final decision in Civil Suit No.14 of 2020 which is pending between the parties with respect to the inheritance of the estate of Surjit Singh. It is submitted that



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the entitlement would be in accordance with the final decree in the said suit.

3. Learned counsel for the petitioners has submitted that in view of the said stand taken on behalf of the respondent No.2 (now LRs), the present petitions be allowed in the said terms.

4. Keeping in view the above-said facts and circumstances, the present revision petitions are partly allowed and the orders dated 19.07.2023 passed by the executing Court are modified to the extent that the present petitioners would also be impleaded as legal representatives of Surjit Singh, subject to all just exceptions and would be permitted to pursue the execution proceedings and once the decretal amounts along with interest are realized by the executing Court, then, the executing Court would deposit the same in a FDR getting highest rate of interest in a Nationalized Bank. The said amounts would be distributed as agreed between both the counsel for the contesting parties, after the right of the parties are determined in the Civil Suit No.14 of 2020 and after the said suit is adjudicated.

July 30, 2025
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**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No