



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

CR-4691-2025 (O&M)

Date of Decision: August 06, 2025

Nirmal Singh (since deceased) through his son/LR Lakhvir SinghPetitioner

Vs.

Arur Singh (since deceased) through his LR'sRespondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Suresh Singla, Advocate
for the petitioner.

SUDEEPTI SHARMA J. (Oral)

1. Present petition has been preferred against order dated 10.03.2025 passed by learned Civil Judge (Jr. Division), Malerkotla in CMA/46/2024 titled as Arur Singh vs. Nirmal Singh, whereby warrants of possession against land belonging to the petitioner, have been issued.

2. Learned counsel for the petitioner submits that the present petitioner (Lakhvir Singh) is legal representative of Nirmal Singh-Judgment Debtor. A recovery suit was filed by Arur Singh/respondent (since deceased)-Decree Holder against Nirmal Singh-Judgment Debtor. Learned counsel for the petitioner contends that Nirmal Singh-Judgment Debtor already expired on 31.12.2023, as per death certificate placed on record by the petitioner in the present petition as Annexure P-8 and the execution application was filed on 24.07.2024 by respondent-Arur Singh (since deceased). Though notice was issued to Nirmal Singh-Judgment Debtor but since he already expired on 31.12.2023, therefore, Arur Singh/respondent (since deceased)-Decree Holder was to implead the legal representative of Nirmal Singh (since deceased), who was not aware of the



pendency of the execution application filed by Arur Singh/respondent (since deceased).

3. Vide impugned order dated 10.03.2025, the learned Civil Judge (Jr. Division), Malerkotla issued warrants of possession against land belonging to the petitioner-Nirmal Singh (since deceased), without issuing notice to his legal representative i.e the present petitioner.

3. I have heard learned counsel for the petitioner and perused the whole file of this case with his able assistance.

4. A perusal of the file shows that Nirmal Singh expired on 31.12.2023. It would be apposite to reproduce all the zimini orders from the date of filing of the application, which reads as under:-

CNR No: PBSGC00011792024 CIS No: CMA/46/2024

Aroor Singh and ors. v. Nirmal Singh

Present: Sh. Liaqat Ali Advocate for the DHs.

Fresh application for issuance of warrants of possession presented today. It be registered. Notice to the JD be issued for 06.09.2024. Original file be also called for the date fixed.

*Date of Order: 24.07.2024
Kawaljeet Kaur, Steno-III*

*(Vishav Gupta)
Civil Judge (Junior Division)
UID No. PB00527*

CNR No: PBSGC00011792024 CIS No: CMA/46/2024

*AROOR SINGH (SINCE DECEASED) THROUGH LRS. v. NIRMAL SINGH
SON OF SHER SINGH*

Present: Sh. Liaqat Ali Advocate for the Dhs.

*Original file received and attached. Notice against
the JD received back unserved with the report died. Now, the*



case stands adjourned to 03.10.2024 for filing LRs application of JD.

*Date of Order: 06.09.2024
Kawaljeet Kaur, Steno-III*

*(Vishav Gupta)
Civil Judge (Junior Division)
UID No. PB00527*

CNR No: PBSGC00011792024 CIS No: CMA/46/2024

*ARoor Singh (SINCE DECEASED) THROUGH LRS. v. NIRMAL SINGH
SON OF SHER SINGH*

Present: Sh. Liaqat Ali Advocate for the DHs.

On request of the counsel on account of "No Work Day" observed by the District Bar Association Malerkotla, the case stands adjourned to 16.11.2024 for filing LRs application of JD.

*Date of Order: 03.10.2024
Kawaljeet Kaur, Steno-III*

*(Vishav Gupta)
Civil Judge (Junior Division)
UID No. PB00527*

CNR No: PBSGC00011792024 CIS No: CMA/46/2024

*ARoor Singh (SINCE DECEASED) THROUGH LRS. v. NIRMAL SINGH
SON OF SHER SINGH*

Present: Sh. Liaqat Ali Advocate for the DHs.

On request of the counsel on account of "No Work Day" observed by the District Bar Association Malerkotla, the case stands adjourned to 20.12.2024 for filing LRs application of JD.

*Date of Order: 16.11.2024
Kawaljeet Kaur, Steno-III*

*(Vishav Gupta)
Civil Judge (Junior Division)
UID No. PB00527*

Present: Sh. Liaqat Ali Advocate for the DHs.

On request of the counsel, the case stands adjourned to 14.02.2025 for filing LRs application of JD.

*Date of Order: 20.12.2024
Kawaljeet Kaur, Steno-III*

*(Vishav Gupta)
Civil Judge (Junior Division)
UID No. PB00527*



5. Learned counsel for the petitioner has produced copy of order dated 14.02.2025 which was passed prior to passing of impugned order, which was passed on 10.03.2025. The order dated 14.02.2025 reads as under:-

CNR No: PBSGC00011792024 CIS No: CMA/46/2024

*AROOR SINGH (SINCE DECEASED) THROUGH LRS. v. NIRMAL SINGH
SON OF SHER SINGH*

Present: Sh. Liaqat Ali Advocate for the DHs.

An application for intimation of death of Manjit Kaur has been filed. Now, the case stands adjourned to 10.03.2025 for consideration.

*Date of Order: 16.11.2024
Kawaljeet Kaur, Steno-III*

*(Vishav Gupta)
Civil Judge (Junior Division)
UID No. PB00527*

6. A perusal of the above zimini order shows that the learned Civil Judge (Jr. Division), Malerkotla did not take into consideration the very fact that without impleading the legal representative of Judgment Debtor-Nirmal Singh (since deceased), the impugned order is passed on 10.03.2025.

7. In view of the above, the revision petition is allowed and order dated 10.03.2025 passed by learned Civil Judge (Jr. Division), Malerkotla is set aside. The matter is remanded to learned Civil Judge (Jr. Division), Malerkotla to consider the above facts and to proceed afresh in accordance with law after impleadment of the petitioner who is legal representative of Judgment Debtor-Nirmal Singh.

August 06, 2025

Gaurav Arora

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No