



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

121

CR-6206-2025 (O&M)

Date of decision :08.09.2025

BHULAN SINCE DECEASED THROUGH HIS LRS**... PETITIONERS****VERSUS****RAJO AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Ms. Arshdeep Kaur, Advocate
for the petitioners.

PARMOD GOYAL, J. (ORAL)

Present civil revision has been preferred by two of the Legal Representatives of petitioner-defendant No. 1 namely Tapraj @ Rajesh (defendant No.1(ii) and Suniraj defendant No. 1(iv)) being aggrieved by impugned order dated 24.04.2025 passed by Civil Judge (Junior Division), Sonipat.

2. Defendants-petitioners are aggrieved by impugned order dated 24.04.2025, whereby the learned Court of first instance allowed application for impleadment of LRs of plaintiff No. 3-Munesh. The application to implead LRs of plaintiff No. 3 was moved by the maternal uncle/Mama-Dharambir son of Om Parkash. Plaintiff No. 3- Munesh had died, leaving only two minor LRs namely Aryan (son) and Gunjan (daughter). It is also not in dispute that husband of plaintiff No. 3 Munesh had pre-deceased her and, therefore, application for impleadment LRs was filed by minors through their maternal uncle/Mama Dharambir



3. Defendant Nos. 3 to 5 had endorsed 'no objection', however, other defendants had resisted the application on the grounds that plaintiff be directed to file list of all Class-1 heirs as per provisions of order 32 CPC.

4. The sole ground of challenge by learned counsel for the petitioner is that learned Court of first instance has failed to consider the provisions of Hindu Minority and Guardianship Act, 1956 as well as provisions of Order 32 CPC and has appointed Mama (maternal uncle) of minors as their next friend/guardian whereas other class-1 heirs have not been taken into consideration.

5. On consideration, I do not find any merit in the objection raised by LRs of defendant Nos. 1 as it is clearly made out that defendant No. 1 has no interest or concern with the family of plaintiff No. 3-Munesh. They are strangers to LRs of plaintiff No. 3-minors. For impleadment of minors as LRs of plaintiff No. 3, they need to be represented through next friend/guardian and in the present case, uncle/Mama had come forward to take care of the interest of minors. The interest of minor is paramount. If no other person is willing to represent minor then it would be in the interest of minor to appoint such person as next friend/guardian, who is willing to take care of interest of minor.

6. Therefore, the learned Court of first instance has rightly appointed the maternal uncle to be next friend/guardian of the minors to take care of their interest in the suit. The argument that minors are living with their paternal uncle and paternal uncle ought to have been appointed as next friend/guardian of minors, cannot be accepted, especially when, paternal uncle had not come forward to represent minors as next friend/guardian.

7. In these circumstances, in-fact present petitioners have no locus regarding appointment of next friend/guardian of minors to represent plaintiff No.



3. Appointment of next friend/guardian of minors is an issue between Court and minors and defendants have no right to intervene unless their rights are being infringed. No rights of petitioners are being infringed.

8. No merit in the present revision petition. The same is dismissed accordingly.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

08.09.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No