



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.967 of 2025 (O&M)

Date of Order:15.02.2025

Akhtar Habib

.Petitioner

Versus

Shiwangi Jindal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Ishan Gupta, Advocate
for the petitioner.**

**Mr. shailesh Aggarwal, Advocate
for the caveators/respondents**

ANIL KSHETARPAL, JUDGE (Oral)

1. The petitioner herein is defendant no.2 in the plaintiffs' pending suit for grant of decree of declaration that plaintiffs are joint owners in possession of a shop, adjoining booth and a house and that the sale deed of shop dated 16.10.2017, allegedly executed by defendant no.1 in favour of defendant no.2 is null and void.

2. The suit was filed by Smt. Kavita Jindal and Smt. Shivangi Jindal, mother and daughter. During the pendency of the suit, both the plaintiffs died. Initially, an application to bring on record Sat Parkash, grand father of Smt. Shivangi Jindal and father-in-law of Smt. Kavita Jindal was filed. However, unfortunately, Sh. Sat Parkash also died. On the basis of a Will executed by Sh. Sat Parkash, Sh. Surinder Kumar Jindal and Sh. Ashok Kumar Singla filed an application to bring them on record as legal representatives of the plaintiffs which was allowed. Sh. Surinder Kumar Jindal is paternal uncle of Smt. Shivangi Jindal, whereas Sh. Ashok Kumar



Singla is Fufa of Smt. Shivangi Jindal. Defendant no.2 is claiming to be purchaser of the property.

3. The learned counsel representing the petitioner submits that Sh. Shivam Jindal brother of Smt. Shivangi Jindal and son of Smt. Kavita Jindal is defendant no.1. He submits that in the presence of Class-I heirs, the heirs on the basis of Will could not be impleaded.

4. This court has considered the submissions of the learned counsel representing the parties.

5. In fact, Sh. Shivam Jindal is already facing prosecution for having killed his mother namely, Smt. Kavita Jindal. Moreover, there are allegations that Sh. Shivam Jindal has sold the property unauthorizedly to petitioner (defendant no.2). Hence, the court has not committed any error in permitting Sh. Surinder Kumar Jindal and Sh. Ashok Kumar Jindal as legal representatives of the plaintiffs to prosecute the case.

6. Hence, no ground to interfere is made out.

7. Dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

February 15, 2025

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