



CR No. 5737 of 2025

IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH

CR-5737 of 2025 (O&M)

Decided on : 25.08.2025

Johnpreet Singh

.....Petitioner

Versus

Jaspal Kaur & Ors.

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate and
Mr. Kamal Gupta, Advocate
For the petitioner.

DEEPAK GUPTA, J.

By way of this petition filed under Article 227 of the Constitution, the petitioner has assailed the order dated 07.08.2025 (*Annexure P-10*) passed by Ld. Additional Civil Judge (Sr. Divn.), Samrala in execution case No. Exe/210/2013 dated 09.02.2010, whereby Deepshikha, Jaspal Kaur and Milanveer Singh have been held to be legal representatives of deceased Gursharan Singh; whereas petitioner herein and his brother Balpreet Singh have been found to be assignees of the rights of Deepshikha.

2. A perusal of paper-book would reveal that suit for specific performance filed by one Gursharan Singh was decreed by this Court in RSA No. 1118 of 1999 vide judgment dated 11.08.2009. During pendency of that RSA, Gursharan Singh had expired on 09.06.2004 and his daughter Deepshikha was impleaded as his legal representative. Said Deepshikha was represented through her special power of attorney Jaswinder Singh.

3. Claiming to be assignees of the decree under Deepshikha - daughter/ legal representative of decree-holder Gursharan Singh, Johnpreet Singh (*petitioner herein*) and his brother Balpreet Singh had filed

**CR No. 5737 of 2025**

the execution. During that execution, one application was moved by Balwinder Kaur, sister of Gursharan Singh claiming to be beneficiary, based upon the will dated 30.10.2001; whereas another application was moved by Jaspal Kaur and her minor son Milanveer Singh claiming that Jaspal Kaur was legally wedded wife of Gursharan Singh and that Milanveer Singh was her son from the loins of Gursharan Singh.

4. The Executing Court declined the application of Balwinder Kaur, though allowed the application of Jaspal Kaur and Milanveer Singh, who are ordered to be impleaded as legal representatives of Gursharan Singh to the extent of their share, vide order dated 19.12.2013. The said order was assailed by Balwinder Kaur in Civil Revision No. 1354 of 2014; and by Balpreet Singh & Johnpreet Singh in Civil Revision No. 2538 of 2014.

5. A co-ordinate Bench of this Court after referring to the provisions of Section 2 (11) of CPC defining legal representatives; and Order 22 Rule 5 CPC prescribing the procedure for determination of question as to the legal representative, disposed of the above two civil revisions vide order dated 05.02.2025 (*Annexure P9*) by observing as under:-

“13. In view of above, any person, having a right to represent the estate of the deceased person, falls within the ambit of ‘legal representative’ as defined under Section 2(11). The definition includes any person who intermeddles with the estate of the deceased. The scope of inquiry to determine the issue w.r.t. the legal representative is summary as held by Supreme Court in Varadarajan’s case (supra). Thus, the Executing Court was required to hold summary inquiry to determine the legal representative. From the perusal of the impugned order, it is evident that the Executing Court has not based its order upon the marriage certificate produced on record or on the entries in the mutation proceedings. Rather, the Executing Court has relied upon certain admissions made by execution petitioners. Even if the conclusions recorded by the Executing Court are to be held valid, the same are not backed by cogent reasons. Observations w.r.t. admissions

**CR No. 5737 of 2025**

are foreign to the record of the case. There is no such admission made by Johnpreet Singh or Balpreet Singh. The finding recorded is not based on record.

14. *Mr. Joshi may be right in contending that even if Johnpreet Singh and Balpreet Singh are held to be assignees to the right of Deep Shikha, they cannot be allowed to represent the estate that fell to the share of Jaspal Kaur and Milanveer Singh, the minor son but he also does not dispute that admission referred to in impugned order is not borne out from record.*

15. *In view of above, without commenting on the merits of the case, the impugned order is set aside. The matter is remanded back to the Executing Court to decide afresh without being prejudiced by any observation made hereinabove. The Court is sanguine that the Executing Court shall decide the issue afresh within 3 months from the date of receipt of certified copy of this order."*

6. Pursuant to the aforesaid order dated 05.02.2025 (Annexure P-9) of this Court, the Executing Court framed the issues, took the evidence produced by the parties and declined the prayer of Balwinder Kaur, after noticing that Will propounded by her had already been cancelled by way of subsequent Will. It was further found, based upon the evidence produced on the issues, that Jaspal Kaur was the legally wedded wife of Gursharan Singh and that Milanveer Singh was his son. This way, Jaspal Kaur (wife), Deepshikha (daughter) and Milanveer Singh (son) were found to be legal representatives of deceased Gursharan Singh. In view of those findings, Balpreet Singh and present petitioner Johnpreet Singh, having stepped into the shoes of Deepshikha, were held to be assignees of the rights of Deepshikha to the extent of her share, in the impugned order dated 07.08.2025.

7. Assailing the order, it is contended by learned Senior counsel that petitioner Johnpreet Singh and his brother Balpreet Singh were required to be treated as the assignees of the rights in the entire property.



CR No. 5737 of 2025

8. This Court does not find merit in the contention. The impugned order dated 07.08.2025 has been passed by the Executing Court after framing the issues and taking evidence in the light of order dated 05.02.2025 of this Court. The petitioner and his brother are assignees only of the rights of Deepshikha and they can claim to have stepped into her shoes only. They can claim right of assignees only to the rights of Deepshikha in the property in dispute and not more than that.

9. As such, this Court does not find any illegality in the impugned order. The revision petition stands dismissed being devoid of any merit.

25.08.2025

Jiten

**(DEEPAK GUPTA)
JUDGE**

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