



CR No. 5843 of 2025 (O&M) -1-

118 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No. 5843 of 2025 (O&M)  
DATE OF DECISION: 11.09.2025

HARI RAM (NOW DECEASED) THROUGH HIS LRS

.....PETITIONERS

Vs.

HARCHARANJEET ALIAS HARCHARANJEEV ALIAS CHARNA  
RAM (NOW DECEASED) THROUGH HIS LRS AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. P.K.S. Phoolka, Advocate,  
for the petitioners.

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AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for setting aside the impugned order dated 21.05.2025 (Annexure P-1), passed by the learned Civil Judge (Junior Division), Bathinda, whereby the main suit, i.e. Civil Suit No. 715 of 2023, has been ordered to be rendered infructuous *qua* defendant No. 1/respondent No. 1, erroneously against the facts and circumstances, whereas defendant/respondent No. 1 and his legal representatives were liable to be continued in the main suit as impleaded, vide order dated 22.04.2025 (Annexure P-2).

2. Brief facts of the case are that the petitioner Hari Ram (since deceased) had filed a suit for permanent injunction against Harcharanjeet Singh alias Harcharanjeev alias Charna Ram–respondent No. 1 (since



deceased) and others. During the pendency of the suit, defendant No. 1, Harcharanjeet Singh alias Harcharanjeev alias Charana Ram, expired. Accordingly, an application was filed on behalf of defendant No. 1 for dismissal of the suit against him. It was argued before the learned Civil Judge (Junior Division), Mansa, that as even the plaintiff and defendant No. 1 had expired, no cause of action survived against defendant No. 1, and the suit stood rendered infructuous and was not maintainable. Accordingly, counsel for defendant No. 1 prayed for dismissal of the suit.

2.1 The learned Civil Judge (Junior Division), Mansa, after hearing the respective counsel, vide order dated 23.01.2025 (Annexure P-5), held that after the death of defendant No. 1, the suit *qua* defendant No. 1, Harcharanjeet Singh alias Harcharanjeev alias Charana Ram, stood rendered infructuous, as nothing was brought on record by the legal representatives of the plaintiff to show any threat or apprehension at the hands of the legal representatives of deceased defendant No. 1.

2.2 Thereafter, an application for bringing on record the legal representatives of deceased defendant No. 1 was filed. Counsel for the plaintiff raised no objection to the application dated 27.03.2025 for impleading the legal representatives of defendant No. 1, and the same was accordingly allowed, vide order dated 22.04.2025 (Annexure P-2).

2.3 Subsequently, during the pendency of the case, learned counsel for the legal representatives of defendant No. 1 stated that, after inspecting the Court file, it was noticed that vide order dated 21.05.2025 (Annexure P-1), the suit against defendant No. 1 had already been rendered infructuous. However, on 27.03.2025, inadvertently, an application for



impleading the legal representatives of defendant No. 1 had been moved and allowed.

2.4 Further, in the impugned order dated 21.05.2025 (Annexure P-1), the learned Civil Judge (Junior Division), Mansa, held that since the suit against defendant No. 1 had already been rendered infructuous vide order dated 23.01.2025 (Annexure P-5), the question of impleading his legal representatives did not arise. It was further observed in the impugned order that to err is human, and ultimately it was held that there was no requirement for the legal representatives of defendant No. 1 to continue or contest the present proceedings, and they were accordingly discharged.

2.5 The grievance of the petitioner is that neither was any notice served upon him regarding the discharge of the legal representatives of defendant No. 1, nor was any application moved by them seeking discharge from the proceedings.

3. Learned counsel for the petitioner, therefore, submits that an opportunity ought to have been granted to the petitioner before discharging the legal representatives of defendant No. 1.

4. I have heard learned counsel for the revisionist-petitioners and perused the paper-book.

5. In view of the order proposed to be passed, notice is not being issued to the respondents, as the same would delay the proceedings besides entailing additional expense.

6. Keeping in view the above, the present petition is disposed of with a direction that the learned Civil Judge (Junior Division), Mansa, shall



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hear the petitioners in case they move an application regarding the discharge of the legal representatives of defendant No. 1 from the proceedings and thereafter pass appropriate orders.

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

**SEPTEMBER 11, 2025**  
nitin

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

Whether Speaking	Yes
Whether Reportable	No